

# **EXHIBIT 77**

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

JAMES D. SULLIVAN, et )  
al., individually, and )  
on behalf of a Class of )  
persons similarly )  
situated, ) Civil Action No.  
5:16-cv-00125  
Plaintiffs, )  
vs. )  
SAINT-GOBAIN )  
PERFORMANCE PLASTICS )  
CORPORATION, )  
Defendant. )

VIDEOTAPED DEPOSITION OF WILLIAM S.  
SUMNER, JR., taken pursuant to notice before  
Beth Gaige, Registered Professional Reporter,  
at the offices of BarrSternberg Moss Silver &  
Munson, P.C. 507 Main Street, Bennington, VT,  
on April 11, 2018, commencing at 9:35 a.m.

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WITNESS: WILLIAM S. SUMNER, JR.

Direct Examination by Mr. Wilson

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STIPULATION

(It is hereby agreed by and between the parties that signature is not waived.)

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THE VIDEOGRAPHER: We are now on the record. Please note that the microphones are sensitive and may pick up whispering and private conversations. Please turn off all cell phones or place them away from microphones as they can interfere with the deposition audio.

Recording will continue until all parties agree to go off the record.

My name is Edward Roy, representing Veritext. Today's date is April 11th, 2018. The time is now approximately 9:35 a.m.

This deposition is being held at BarrSternberg Moss Silver & Munson, P.C., located at 507 Main Street, Bennington, Vermont, and is being taken by counsel for the defendant.

The caption of the case is James D. Sullivan, et al, individually and on behalf of a class of persons similarly situated, Plaintiffs, versus Saint-Gobain Performance

1           Plastics Corporation, Defendant.

2           This case is filed in the United States  
3           District Court, District of Vermont, Civil  
4           Action No. 5:16-CV-00125. The name of the  
5           witness is William S. Sumner, Jr.

6           At this time the attorneys present in the  
7           room and attending remotely will identify  
8           themselves and the parties they represent.

9           MR. WILSON: Lincoln Wilson, Quinn  
10          Emanuel Urquhart & Sullivan for Defendant  
11          Saint-Gobain Performance Plastics Corp.

12          MR. BARNES: Tom Barnes, Quinn Emanuel,  
13          also for Saint-Gobain Performance Plastics.

14          MR. SILVER: David F. Silver for the  
15          plaintiff.

16          MS. JOSELSON: Emily Joselson,  
17          plaintiffs.

18          MR. WHITLOCK: James S. Whitlock on  
19          behalf of the plaintiffs.

20          THE VIDEOGRAPHER: Will Attorney David  
21          Silver, representing BarrSternberg Law, please  
22          swear in the witness and we can proceed.

23          (The Witness was administered the oath.)

24          (Off--the-record colloquy.)

25          WILLIAM S. SUMNER, JR., having been duly sworn

1 by the Notary Public, was examined and  
2 testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WILSON:

5 Q. Good morning, Mr. Sumner. Apologies for those  
6 technical delays.

7 Would you please state your full legal  
8 name and date of birth for the record.

9 A. William Sayre, spelled S-a-y-r-e, Sumner, Jr.,  
10 August 1st, 1952.

11 Q. And we were introduced off the record. My  
12 name is Lincoln Wilson. I'm an attorney for  
13 Saint-Gobain, and I'll be taking your  
14 deposition today.

15 Just to be clear, you also go by Sandy,  
16 as well?

17 A. Yes.

18 Q. Have you ever been deposed before, Mr. Sumner?

19 A. No.

20 Q. So I'm sure your attorneys have explained to  
21 you the ground rules of deposition, but I'm  
22 just going to go over them for a moment so  
23 that we're both clear.

24 The goal is to make a clear written  
25 record through the court reporter; and to do

1       that, I need to be clear on my questions and  
2       you need to be clear on your answers. And  
3       sometimes we're going to be conversational;  
4       you might be inclined to say, yeah, uh-huh,  
5       uh-uh or shake or nod your head, but we need  
6       clear verbal answers for the court reporter to  
7       take down.

8               You may also have a clear idea of where  
9       I'm going with a question and may be inclined  
10      to respond before I finish my question, but  
11      I'll ask that for the court reporter's sake,  
12      that you wait until I finish my question, even  
13      if you know where it's going, before you  
14      provide your answer.

15             As your counsel said, if you'd take a  
16      breath before you respond, that's usually a  
17      good practice.

18             You can take a break if you need it  
19      really any time, just so long as it's not in  
20      the -- before you've answered one of my  
21      questions.

22             And I do apologize in advance that some  
23      of the questions that I have to ask you today,  
24      because of the nature of this case, might be  
25      sensitive about your personal background; and



1           some of them might, frankly, be tedious, but I  
2           am going to do my best to be considerate and  
3           kind in the way that I ask them, and I'll ask  
4           for your consideration as we do that. And if  
5           there's anything that we can do to make you  
6           comfortable in that, please let us know.

7                       So would you tell me where you were born,  
8           Mr. Sumner?

9           A. Plainfield, New Jersey.

10          Q. How long did you live in New Jersey?

11          A. We left when I was six.

12          Q. Where did you go to next?

13          A. Pittsburgh.

14          Q. And how long were you there for?

15          A. It varied because I went to boarding school  
16          when I was 13. So for most of my academic  
17          year, I was in Malvern, Pennsylvania, but  
18          would be home on vacations, and again went  
19          away to college.

20          Q. And where did you go to college?

21          A. New England College in Henniker, New  
22          Hampshire.

23          Q. And did you earn a degree there?

24          A. No.

25          Q. How much college did you complete?

1 A. Two years.

2 Q. What did you study while you were there?

3 A. Art and religion.

4 Q. Okay. And after you went to college, where  
5 did you go -- move next?

6 A. I took a year off and stayed on campus  
7 basically trying to explore art as an  
8 occupation; decided to go to a trade school  
9 instead. So the next move was to Melbourne --  
10 I'm sorry -- Marion, Massachusetts, where I  
11 went to a trade school for a year.

12 Q. Okay. And what year was that?

13 A. I can't remember exactly. I'll have to  
14 calculate.

15 Q. That's all right.

16 A. Yeah.

17 Q. So after you were in Marion, Massachusetts,  
18 for the trade school, where did you move next?

19 A. I came up here to Vermont and lived in  
20 Bennington for a summer and into January  
21 working on a house with my uncle.

22 Q. And have you been in Bennington since?

23 A. No.

24 Q. So from that first time you moved to  
25 Bennington, where did you go next?

1 A. To a small town in New Hampshire called  
2 Danbury.

3 Q. And how long were you there for?

4 A. Probably from -- I'm trying to think -- '74 or  
5 '75.

6 Q. And --

7 A. Maybe '73. Like a year and a half.

8 Q. Okay. And after Danbury, where did you move  
9 to?

10 A. To Hanover, New Hampshire.

11 Q. And how long were you there for?

12 A. It's hard because you never move to a place  
13 and just land January 1st and leave, you know,  
14 December 31st.

15 Q. A rough guess is fine.

16 A. Yeah. About two years.

17 Q. And after Hanover, New Hampshire, where next?

18 A. Jamaica Queens, New York.

19 Q. That's interesting.

20 And how long were you in Queens.

21 A. About three years.

22 Q. And what brought you down to Queens?

23 A. Job opportunities as a carpenter, and I had  
24 friends down there.

25 Q. And so just to -- I should have asked this

1 before, but from the time you finished trade  
2 school, was that in carpentry or woodworking?

3 A. Yeah.

4 Q. Both?

5 A. It was actually an introduction to the trade.  
6 So you could do -- explore any or all trades.

7 Q. And were your jobs that you had in these  
8 various cities after you went to trade school,  
9 were those in carpentry or woodworking?

10 A. Carpentry.

11 Q. Carpentry. And so you were -- you moved for a  
12 carpentry job to Queens?

13 A. Mm-hmm.

14 Q. And where after that?

15 A. I came back to Bennington.

16 Q. And so after a lot of moving around, you  
17 landed in Bennington.

18 And what year was that?

19 A. '85.

20 Q. '85. And you've been here since?

21 A. Mm-hmm.

22 Q. Okay. And when you moved to Bennington, where  
23 did you begin working?

24 A. I'm sorry?

25 Q. Where did you work when you moved to

1 Bennington?

2 A. I worked for a company called Blue Heron  
3 Construction.

4 Q. And how long did you work at Blue Heron?

5 A. Nine, nine-and-a-half years.

6 Q. And you were doing carpentry work for Blue  
7 Heron?

8 A. Mm-hmm.

9 Q. And in all these carpentry jobs that you had  
10 after trade school, was the nature of your  
11 work more or less the same, the kind of tasks  
12 that you performed?

13 A. Yes.

14 Q. And would that be typically framing houses?

15 A. Working, renovating houses, and building new  
16 houses. All residential.

[REDACTED]

25           At some point along the way here you got

1 married. When was that?

2 A. Woo, I always get in trouble. January '92 I  
3 believe.

4 Q. Okay. Well, we're not taking her deposition,  
5 so we won't tell her.

6 What's your wife's name?

7 A. Marie-Pierre Clair Madelyn Marguerite Huguet.

8 Q. And where did you meet her?

9 A. Here in Bennington.

10 Q. And is she from the area?

11 A. No. She's from Clermont-Ferrand, France.

12 Q. Who would have guessed.

13 And she's not a plaintiff in this action,  
14 is she?

15 A. No.

16 Q. Why not?

17 A. She didn't have the time. Basically that's  
18 it.

19 Q. Did you ask her to join?

20 A. We talked about it.

21 Q. And -- and what does she do professionally?

22 A. She's an instructional designer.

23 Q. And taking another step back -- actually, can  
24 you tell me what an instructional designer is?

25 A. They design instruction. So a teacher would

1           give you content, and you put together a  
2           program for, let's say, online learning for an  
3           online course, and that's what she does.

4       Q.   And did she go to school for that?

5       A.   Yes.   She got a PhD in it.

6       Q.   Where from?

7       A.   RP -- I'm sorry.   SUNY Albany.

8       Q.   And how did the two of you meet?

9       A.   Through mutual friends here in Bennington.

[REDACTED]



[REDACTED]

4 BY MR. WILSON:

[REDACTED]

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Category 1	100%
Category 2	100%
Category 3	100%
Category 4	100%
Category 5	100%
Category 6	100%
Category 7	100%
Category 8	100%
Category 9	100%
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Category 100	100%

Row	Small Square	Large Square	Bar Length (approx. % of total width)
1	■	■	35
2	■	■	95
3	■		30
4	■	■	10
5	■	■	100
6	■		50
7	■	■	85
8	■		15
9	■		80
10	■		45
11	■	■	100
12	■		90
13	■	■	10
14	■	■	100
15	■		40
16	■	■	10
17	■	■	20
18	■	■	55

20 Q. And you left your position at the mill shop  
21 two years later in 1998; is that right?

22	A. Correct.
----	-------------

23 Q. And why did you leave the mill shop?

24           A.    To start my own business.

25 Q. And I understand that the mill shop is no

1 longer in business.

2 Do you know approximately when it went  
3 out to business?

4 A. I don't actually. It phased itself out over a  
5 couple years. I don't really know exactly.

6 Q. And so you started your own woodworking shop  
7 at your home; is that correct?

8 A. Correct.

9 Q. And is it located in your basement?

10 A. Correct.

11 Q. And what were your primary sources of income  
12 through your woodworking shop in your  
13 basement?

14 MR. WHITLOCK: Object to the form.

15 A. I did work for architects and contractors.

16 BY MR. WILSON:

17 Q. Did you -- if you can just describe generally  
18 the kind of work that you did. Was it the  
19 same kind of work that you did at the mill  
20 shop?

21 A. Yes. Mostly built-ins.

22 Q. Built-ins like cabinetry?

23 A. Kitchens, bookshelves, vanities.

24 Q. Is your shop pretty well equipped?

25 A. Very well.

1 Q. And you still have your shop, right?

2 A. I'm selling everything now.

3 Q. You're selling all the -- the tools and  
4 equipment?

5 A. Mm-hmm.

6 Q. And is that because you've retired or some  
7 other reason?

8 A. Because I'm retired and because I lost  
9 interest.

10 Q. Do you do it as a hobbyist anymore then?

11 A. No.

12 Q. And now that you've worked -- now that you're  
13 working -- I'm sorry. Let me withdraw that  
14 question.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

24 Q. And now that you are retired -- that was in  
25 2015; is that correct?

1 A. Correct.

2 Q. What do you do for -- well, what do you occupy  
3 your time with?

4 A. I used to love gardening. I play a lot of  
5 golf. I enjoy cooking. Ice skating. Hiking.

6 Q. Okay. Anything else?

7 A. Not that I can think of right now. Other -- I  
8 mean, I enjoy writing.

9 Q. What do you write?

10 A. Reading. Short stories.

11 Q. What about?

12 A. Things I'm familiar with. My life  
13 experiences.

14 Q. Are you published?

15 A. No.

16 Q. And let's -- let's talk a little bit about  
17 your home now.

18 Your home address in Bennington is 37  
19 Susan Taylor Lane; is that correct?

20 A. North Bennington.

21 Q. North Bennington, I'm sorry.

22 And just to clear up a little question  
23 about your address, there was something in  
24 your records that listed an address on Royal  
25 Street.

1 Did you ever live on Royal Street?

2 A. When I first built my house, there was no  
3 official road in front of my house. It was a  
4 development in progress, and they hadn't named  
5 it yet. So my mailing address was on Royal  
6 Street.

7 Q. And is my understanding correct that Royal  
8 Street and Taylor -- Susan Taylor Lane are  
9 perpendicular to one another?

10 A. Yes.

11 Q. Is your home a single-family home?

12 A. Yes.

13 Q. Can you tell me how many square feet it is,  
14 approximately?

15 A. Present day?

16 Q. Yes.

17 A. 1650.

18 Q. How many bedrooms?

19 A. Well, we're using two with an office that  
20 could be a bedroom.

21 Q. Does that 1650 include the basement wood shop?

22 A. No.

23 Q. How many bathrooms?

24 A. One and a half.

25 Q. Is the basement wood shop, is it finished?



1           Like once you take your equipment out, it's  
2           finished space, or is it concrete walls?

3           A.   It has plywood on the walls.

4           Q.   Do you have a garage?

5           A.   No.

6           Q.   Do you have a shed?

7           A.   Yes.

8           Q.   How many?

9           A.   I have a shed for my garbage, and I have a  
10          shed for my wood storage and gardening tools.

11          Q.   And when you say wood storage, is that wood  
12          for woodworking or wood for firewood?

13          A.   Wood for woodworking.

14          Q.   Is there an attic?

15          A.   No.

16          Q.   How many stories is the home?

17          A.   One story.

18          Q.   One story and the basement?

19          A.   Yes, correct.

20          Q.   And you built your home; is that correct?

21          A.   Mm-hmm.

22          Q.   Do you take a lot of pride in it?

23          A.   Yes.

24          Q.   And did you design it yourself?

25          A.   Yes.

1 Q. And you own it with your wife; is that  
2 correct?

3 A. Yes.

4 Q. So you bought the property first to build your  
5 home on it; is that correct?

6 A. Correct.

7 Q. And how did you finance the purchase of the  
8 land?

9 A. I took a mortgage out.

10 Q. And did you also finance the construction of  
11 the home through a mortgage?

12 A. Yes.

13 Q. And those --

14 A. Mostly.

15 Q. And just again for the court reporter's sake,  
16 just make sure that you wait until my question  
17 is done before responding, though I -- you --  
18 you have a very clear idea of where I'm going.

19 So when you say mostly, what do you mean?

20 A. Well, I had saved some money.

21 Q. And those mortgages are paid off now --

22 A. Yes.

23 Q. -- is that correct?

24 And you also had a home equity line of  
25 credit previously?

1 A. Yes.

2 Q. And that's paid off now?

3 A. Yes.

4 Q. And you don't have any appraisals in your  
5 possession that are associated with those  
6 loans, do you?

7 A. No.

8 Q. You also purchased some additional land around  
9 your home in 1989 or since 1989; is that  
10 correct?

11 A. Yes.

12 Q. Where is that land located?

13 A. It's -- it was -- I bought a parcel, small  
14 parcel, of the lot before -- right next to  
15 mine to increase the size of my lot.

16 Q. Did you build anything additional on that  
17 land?

18 A. No.

19 Q. Did you landscape anything additional?

20 A. I don't understand that question.

21 Q. Well, I guess the question would be once you  
22 added that parcel to --

23 A. Yes.

24 Q. -- your land, what did you do with it?

25 A. Yes. There was -- I incorporated part of that

1 in a landscaping program or project that I  
2 had.

3 Q. And so I'm understanding it correctly, is  
4 that -- does your -- does your parcel abut the  
5 river?

6 A. No.

7 Q. No. But it's near the river; is that correct?

8 A. Not -- I wouldn't say near.

9 Q. How far away from the river is it?

10 A. I would think 300 yards.

11 Q. Did you pay cash for the second property or  
12 did you finance that?

13 A. I think I paid cash, as far as I can recall.

14 Q. Your home, is it a concrete foundation?

15 A. Yes.

16 Q. And wood frame?

17 A. Yes.

18 Q. Can you tell me just big picture of the -- of  
19 the work of building your home, how much did  
20 you do yourself and how much did you sub out?

21 And just to make it easy, let's talk  
22 about just the initial phase before you -- you  
23 moved in, not subsequent projects.

24 A. Just the initial construction?

25 Q. Yes.

1 A. So ask the question again, please.

2 Q. How much -- what aspects of your home did you  
3 build yourself and what aspects did you sub  
4 out to others to do?

5 A. Well, I was involved in the framing. I mean,  
6 I was involved in pretty much every aspect.

7 Percentagewise or -- I don't know --  
8 understand how to answer that question.

9 Q. Yeah. Well, were there any trades that you  
10 said, well, I'm going to hire an electrician  
11 to do the electrical?

12 A. Yes. I hired a -- an electrician, a plumber,  
13 someone to tape my sheetrock.

14 Q. No one wants to do that, do they?

15 A. No, I wouldn't agree with that.

16 Q. Really? Okay.

17 A. No.

18 Q. We have a tough time finding sheetrockers  
19 where I'm from, so --

20 A. No. The guys that I knew enjoyed it.

21 Q. They should move to Idaho. There's a big  
22 demand.

23 So anything else that you subbed out?

24 A. The top of my chimney, because it was brick.

25 Can I -- can I ask what I've said --

1           which subs I've -- because I think there was  
2           one more that I didn't mention.

3                   I said plumbing and electrical.

4           MR. WHITLOCK:   So far you've mentioned  
5           electric --

6           THE WITNESS:   Yeah.

7           MR. WHITLOCK:   -- plumbing, and  
8           Sheetrock, and then the --

9           MR. WILSON:   The chimney.

10          MR. WHITLOCK:   -- the chimney, the brick  
11          on the chimney.

12          THE WITNESS:   Okay.   Let me just think.

13          BY MR. WILSON:

14          Q.   If you can't remember anything else at the  
15          time, that's fine.

16          A.   Yeah.   Right now that's all I can remember.

17          Q.   So in terms of other structures on the  
18          property, you have two sheds.   One for your  
19          garbage, one for your -- your wood and your  
20          tools; it that correct?

21          A.   That's correct.

22          Q.   Any other structures?

23          A.   No, no structures.

24          Q.   Do you have a wood pile on your property?

25          A.   Yes.

1 Q. And is that firewood?

2 A. Yes.

3 Q. And you have a garden, as well; is that  
4 correct?

5 A. Many.

6 Q. How many gardens do you have?

7 A. We have one very big vegetable garden. We  
8 have two very large perennial beds, an herb  
9 garden and two rock gardens.

10 Q. Can you tell me what a rock garden is.

11 A. In my definition a rock garden is -- these two  
12 gardens that I have are surrounded by rock  
13 ledge, and I basically built stone walls in  
14 front of them to create a garden that I could  
15 incorporate and grow things in the rocks, as  
16 well as in pockets around the stone wall  
17 and -- and ledge.

18 Q. Do you still use your garden for -- your  
19 vegetable garden today?

20 A. No.

21 Q. Why not?

22 A. Because of the contamination.

23 Q. Has anyone told you that it's unsafe to grow  
24 vegetables in soil that has PFOA in it?

25 A. No.

1 Q. Have you considered replacing the soil with  
2 new soil?

3 A. I'm not going to go to that expense. We have  
4 a very large garden. I've already done it  
5 once. When I created the garden, I brought in  
6 dirt, and it was expensive.

7 Q. And you have, with your garden, replaced the  
8 original cedar boards with -- with plywood; is  
9 that correct?

10 A. Yes.

11 Q. So you have done some maintenance to your  
12 garden over the years?

13 A. I've spent a lot of time on it.

14 Q. Would you consider starting your vegetable  
15 garden again?

16 A. No, not at this point.

17 Q. Do you still grow your -- your perennials?

18 A. Yes.

19 Q. So it's just the vegetables that you don't  
20 grow anymore?

21 A. Yes.

22 Q. I understand you also -- well, let's ask --  
23 talk about those vegetables.

24 Were those for your -- your own use or do  
25 you sell them?



[illegible]

■ ■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

6 Q. So just to cover your prior residential  
7 history, before you bought your home in  
8 Bennington, but you were living in Bennington,  
9 what other address did you live at in  
10 Bennington?

11 A. In Bennington?

12 Q. Yes.

13 A. In -- on Middle Pownal Road. I think it's  
14 1952 Middle Pownal Road. I can't remember  
15 exactly the number.

16 Then I lived in North Bennington at -- I  
17 don't -- it was a rural -- I think it was a  
18 rural route or I had a post office box. It  
19 was on the Park-McCullough property. I  
20 don't know exactly what the address was.

21 Q. Okay. Was it -- that was PO Box 705 in North  
22 Bennington; is that --

23 A. No. That's actually where I am now.

24 Q. Oh, that's --

25 A. And then I lived at another PO box off of 67.

1 Q. Just so we have a clear record, can you give  
2 us a little more detail geographically about  
3 where that home was?

4 A. Which one?

5 Q. The one that you said it was a rural -- rural  
6 home.

7 A. Yes.

8 Q. Yeah.

9 A. It's near the Bennington College entrance  
10 between Bennington College and what is now  
11 Home Depot, and it was sort of back in the  
12 woods a little bit.

13 Q. And your prior residences in Bennington, did  
14 you own those or were you renting there?

15 A. I was renting.

16 Q. Do you have any children?

17 A. No.

18 Q. Do you own any other real estate besides your  
19 home at 37 Susan Taylor Lane?

20 A. No.

21 Q. About how many other homes are on your street?

22 A. My street? Susan Taylor Lane?

23 Q. Let's ask that first. How many are on your  
24 street, Susan Taylor Lane?

25 A. One. Let's see, I don't -- I don't know if --

1 my next-door neighbor, he's sort of on the  
2 corner, so I think his address is actually  
3 Royal Street, so I can't count that one. So  
4 three others.

5 Q. So let's -- I'm going to ask some questions  
6 about the homes around you.

7 A. Mm-hmm.

8 Q. Let's talk about those three others.

9 A. Mm-hmm.

10 Q. And also the one that's technically on Royal  
11 Street but that's right next to you.

12 Are they all on the same size lot?

13 A. I don't know that. I don't think so.

14 Q. How big is the degree of variance between --  
15 you know, are some on very small sized lots  
16 and some on very large lots, or is it a small  
17 degree of variance?

18 A. No, they're all very close in size, but I know  
19 they vary in small degrees.

20 Q. Are they all wood construction?

21 A. Yes, mostly. Yeah.

22 Q. Are any brick construction or stone?

23 A. One has a -- an artificial stone foundation.

24 Q. So like a stone facade?

25 A. Yes, exactly.

1 Q. And how many floors are they?

2 A. Is that house?

3 Q. Well, let's -- I'll ask a better question.

4 Are all the other homes around you  
5 single-story homes like yours?

6 A. No.

7 Q. Are they mostly two story?

8 A. Yes.

9 Q. Are they the same number of bedrooms as yours?

10 A. I don't know that.

11 Q. Have you been inside many of those homes in --  
12 around you?

13 A. No, not many.

14 Q. Have you been inside Jim Sullivan's home?

15 A. Briefly.

16 Q. And about far away is Jim Sullivan from you?

17 A. About 300 yards.

18 Q. Do you see him a lot?

19 A. No.

20 Q. How would you compare Jim Sullivan's house to  
21 yours?

22 MR. WHITLOCK: Object to the form.

23 BY MR. WILSON:

24 Q. Tell me similarities or differences.

25 A. Well, the construction is basically the same,

1           but he definitely has a bigger house. I don't  
2           know how big it is, but it's probably twice  
3           the size of mine. The same -- built the same  
4           quality as mine.

5       Q. Anything else in terms of style or features  
6           that you would compare?

7       A. It's hard to say. I -- I would think his  
8           would be a little bit more contemporary maybe.

9       Q. His was built more recently than yours.

10      A. Yes.

11      Q. Is that correct?

12      A. Mm-hmm.

13      Q. Have you upgraded your kitchen appliances?

14      A. Ever?

15      Q. Since you built the home.

16      A. Yes.

17      Q. How recently?

18      A. The last thing I bought was a new dishwasher  
19           probably a year ago.

20      Q. What about the range and the -- the fridge?

21      A. They have been replaced over time.

22      Q. Are the replacement appliances stainless steel  
23           or some other finish?

24      A. They're not stainless steel. They're just  
25           white.

1 Q. And I'm taking a step back to talk about our  
2 friend Jim Sullivan.

3 How would you compare the landscaping at  
4 your home to the landscaping at his home?

5 A. I think mine's more attractive.

6 Q. I won't tell him you said so.

7 What's more attractive about your  
8 landscaping?

9 A. I spent a lot of time on it. I love  
10 gardening, and I made my gardens pretty.

11 Q. And does Jim let it go to seed or --

12 A. To tell you the truth --

13 MR. WHITLOCK: I object -- object to the  
14 form.

15 You can answer.

16 A. Honestly I don't pay much attention to his  
17 landscaping.

18 BY MR. WILSON:

19 Q. And I'm not trying to stir up dissension.

20 Talking about those homes in your  
21 neighborhood, are they in different styles  
22 architecturally?

23 A. They're within a range. There's only one  
24 house that stands out as very contemporary.

25 Q. And what other --

1 A. The rest -- the rest are basically country --  
2 country homes.

3 Q. Any other styles of those homes around you?

4 A. Nothing -- no.

5 Q. So you mentioned you haven't been inside most  
6 of the homes around you.

7 Do you have a general sense of whether  
8 they are -- of those homes around you how many  
9 are larger than yours?

10 A. Well, just from looking at the outside?

11 Q. Yes.

12 MR. WHITLOCK: Objection to form. Calls  
13 for speculation.

14 But you can answer.

15 A. Yeah. I mean, it's -- it's -- I would say a  
16 percentage of them are -- are bigger, yes.

17 BY MR. WILSON:

18 Q. About how many?

19 A. Maybe two or three.

20 Q. And would that mean that two or three are  
21 smaller than yours?

22 A. Or the same size.

23 Q. Were most of the homes around you built before  
24 your home or after your home?

25 A. Are you including Royal Street in that?



1 Q. I -- those homes that we were talking about  
2 before that were the homes on your street --

3 A. Yes.

4 Q. -- plus that one neighbor on Royal Street.

5 A. Mine was the first.

6 Q. And did the others follow relatively recently  
7 after or in stages afterward?

8 A. It took a while.

9 Q. How old are most of the homes around you?

10 A. It varies from maybe three years to 25 years.

11 Q. Is your home air conditioned?

12 A. I have an air conditioner, but it's not  
13 central.

14 Q. So a window unit?

15 A. Yes.

16 Q. Do you know whether the other homes on your  
17 block are air conditioned?

18 A. I don't know.

19 Q. What type of heating system do you have in  
20 your home?

21 A. Hot -- hot boiler.

22 Q. I'm sorry?

23 A. Oil burner, hot water.

24 Q. And so is that baseboard radiators?

25 A. Yes.

1 Q. Do you know what -- about the heating systems  
2 of the other homes?

3 A. No, I don't.

4 Q. And did you build your home with that  
5 baseboard heating, or did it have a different  
6 system of heat when you built it?

7 A. No, that's what I put in.

8 Q. Do you like radiant heat?

9 A. Do I like radiant heat?

10 Q. Yes.

11 A. I've never lived in it.

12 Q. Oh, I mean, I guess baseboard radiators  
13 though.

14 Do you like those -- that style?

15 A. Yeah, it's fine.

16 Q. Are there any commercial properties near you?

17 A. Well, the BCIC building, which is where  
18 ChemFab was.

19 Q. And what businesses are in BCIC?

20 A. At this stage I don't know. It was -- the  
21 building complex was known as an incubator  
22 building. I don't know -- right now I don't  
23 know.

24 Q. Is -- is Dion Snowshoes located there or  
25 somewhere nearby?

1 A. I don't know.

2 Q. And what about Sterling Gun Drills?

3 A. I don't know.

4 Q. Are there any religious institutions or  
5 other -- or churches near your home?

6 A. Across the street from the BCIC building  
7 there's a -- what's called -- they call  
8 themselves the Cornerstone Church.

9 Q. Is it -- is Capstone Baptist Church --

10 A. Oh, that's what it is.

11 Q. Okay. And government buildings, is there a  
12 post office or a school nearby?

13 A. In the town of North Bennington, which is  
14 about a mile and a half away.

15 Q. And Bennington College is fairly close to you;  
16 is that correct?

17 A. Correct.

18 Q. About how far is Bennington College?

19 A. Well, it -- it borders the development that  
20 I'm in, so all depends what location you walk  
21 to.

22 Q. Is that considered an -- an attractive feature  
23 that your home is near the college or not an  
24 attractive feature?

25 A. Do I consider it?

1 Q. Well, I guess we'll ask it in two questions.

2 Do you consider it an attractive feature?

3 A. Yeah.

4 Q. And do other people in Bennington or North  
5 Bennington consider that to be an attractive  
6 feature?

7 MR. WHITLOCK: Object to the form.

8 A. I don't know.

9 MR. WHITLOCK: Calls for speculation.

10 Let me -- let me object first and then  
11 answer.

12 BY MR. WILSON:

13 Q. Any police station or fire station nearby your  
14 home?

15 A. Fire station in North Bennington.

16 Q. Is there a library nearby?

17 A. Library in North Bennington.

18 Q. Now, is it true that there's still a large  
19 empty plot of land to the east of your home?

20 MR. WHITLOCK: Object to the form. Vague  
21 and ambiguous.

22 A. Yeah, it's not a clear question. I don't know  
23 what you mean by large.

24 BY MR. WILSON:

25 Q. It's to the left, when you're -- when you're

1 looking at the front door of your home, just  
2 past the cul-de-sac at the end of Susan Taylor  
3 Lane.

4 A. Mm-hmm. Are you -- you're asking me -- can  
5 you ask that question again?

6 Q. Is there an empty plot of land there?

7 A. Yes.

8 Q. And do know who owns that land?

9 A. No. No, I don't know specifically.

10 Q. And to your knowledge, it's not being used for  
11 anything now; is that correct?

12 A. Correct.

13 Q. How many acres is your lot?

14 A. Five-eighths or I think it's .62.

15 Q. And the surface of your yard is mostly grass;  
16 is that correct?

17 A. Except for the sheds that I have, and the 1650  
18 square foot house that I have, yeah.

19 Q. And -- and the gardens and the wood pile would  
20 be...

21 A. Yeah.

22 Q. Do you have any trees?

23 A. I'm sorry?

24 Q. Do you have any trees on your property?

25 A. A few.

1 Q. What type of trees are they?

2 A. Black cherry, one apple, one sour cherry,  
3 there's a couple maples, and one blue spruce.

4 Q. Did you plant those trees or were they there  
5 when you got there?

6 A. I planted two of those.

7 Q. Which trees did you plant?

8 A. The apple tree and the sweet cherry tree.

9 Q. Are they fairly mature trees?

10 A. Yeah.

11 Q. And do you eat the fruit from the cherry trees  
12 still?

13 A. We -- we have.

14 Q. Do you eat it anymore?

15 A. Less and less. We've been giving it to the  
16 birds.

17 Q. But do you eat some of the cherries?

18 A. No.

19 Q. Is there a slope to your land, or is it  
20 generally flat?

21 A. There's a slope to the front yard.

22 Q. Is it a dramatic slope or a gradual slope?

23 A. I consider it gradual.

24 Q. Do the homes on your street have similar sized  
25 front and backyards to yours, or are they

1 different?

2 A. They're -- it varies.

3 Q. Does it vary a lot or a little?

4 MR. WHITLOCK: Object to the form. A lot  
5 or a little is vague and ambiguous.

6 BY MR. WILSON:

7 Q. You can answer.

8 A. Some are -- I think I have a bigger front yard  
9 than most, and the backyard --

10 Q. And the landscaping of your neighbors' yards,  
11 do they have similar landscaping to yours?

12 A. In some respects.

13 Q. What respects are they similar?

14 A. They -- most of us have lawn to mow. There's  
15 some shrubs.

16 Q. Do they have the same mature trees that you  
17 do?

18 A. Some do. Some don't.

19 Q. Do they have the same gardens that you do?

20 A. No.

21 Q. Were you more committed to your garden than  
22 most of your neighbors were?

23 MR. WHITLOCK: Object to the form.

24 A. I don't know that.

25 //

1 BY MR. WILSON:

2 Q. Is your -- is your garden more well developed  
3 than that of your neighbors?

4 A. In what respect? What does that mean?

5 Q. That -- is it larger than most of your  
6 neighbors?

7 A. My vegetable garden is.

8 Q. Okay. And -- but not your flower gardens?

9 A. There's some that are comparable.

10 Q. Do any of your neighbors have wooded areas of  
11 their property?

12 A. Yes.

13 Q. How many?

14 A. How many what?

15 Q. How many of the -- your neighbors on your  
16 street have wooded property?

17 A. One -- one in particular. One that I recall  
18 wooded.

19 Q. Now, there's a well on your property; is that  
20 correct?

21 A. Correct.

22 Q. Where is the well located on the lot?

23 A. On the south side of my front yard.

24 Q. And it was installed shortly before you built  
25 your home; is that correct?



1 A. Correct.

2 Q. How deep does it go?

3 A. 500 feet.

4 Q. Do you know what the construction of the well  
5 is?

6 A. It's casing down about 60 feet and then ledge.

7 Q. Can you describe ledge?

8 A. Well, stone.

9 Q. Since the time you drilled your well, have you  
10 performed maintenance on it?

11 A. I replaced the pump once.

12 Q. When was that?

13 A. I don't remember what year. Probably -- it's  
14 been probably a good five years.

15 Q. Did you replace the pump because it was  
16 failing or because you just felt that it was  
17 due?

18 A. Yeah, it was -- I've seen plumbers -- I didn't  
19 want the plumber to have to come back in the  
20 wintertime if it failed. It's too labor  
21 intensive. So I replaced it before I thought  
22 it would die.

23 Q. Do you remember how much you paid for that?

24 A. My new pump?

25 Q. Yes.

1 A. No, I don't.

2 Q. Did you replace it yourself, or did you hire  
3 someone to do it?

4 A. I hired someone.

5 Q. Do you think you might have any records of how  
6 much it cost to replace that pump?

7 A. No.

8 Q. Did you search for it?

9 A. What?

10 Q. Did you search for that record -- those  
11 records?

12 A. No, I didn't think of it as an improvement  
13 when I was asked about improvements.

14 MR. WILSON: We'll reserve our rights to  
15 request that after the deposition, but we can  
16 do that after -- later.

17 Q. Have you had to replace the expansion tank for  
18 your well?

19 A. No.

20 MR. WHITLOCK: Object to the form.

21 BY MR. WILSON:

22 Q. Have you done any of the tests that are  
23 recommended for wells?

24 MR. WHITLOCK: Object to the form.

25 //

1 BY MR. WILSON:

2 Q. The bacteria test, for instance?

3 A. Before you can get certification of occupancy,  
4 you have to have the state test your water and  
5 I did.

6 Q. Have you had it tested since then?

7 A. Well, since the PFOA thing?

8 Q. I -- I mean in the time -- after that initial  
9 test of the water that you did when you got  
10 your CO --

11 A. Right.

12 Q. -- did you do any additional bacteria tests --

13 A. No.

14 Q. -- of your well?

15 Do you have a fence around your property?

16 A. I have a picket fence, a decorative picket  
17 fence on the northwest -- a portion -- a  
18 portion of my northwest border.

19 Q. Do many of your neighbors have fences?

20 A. No.

21 Q. Do you have a retaining wall?

22 A. I have my stone rock garden, which I would  
23 call retaining walls.

24 Q. And I take it you don't have a swimming pool?

25 A. Correct.

1 Q. Do any of your neighbors have barns?

2 A. No.

3 Q. Do many of your neighbors have tool sheds like  
4 you do?

5 A. Not like I do.

6 Q. What's different about their tool sheds?

7 A. One was purchased commercially. One neighbor  
8 has one that he bought and was delivered, and  
9 I don't know of anybody else who has one.

10 Q. And you built yours from scratch?

11 A. Yes.

12 Q. So the ones that you buy at Home Depot don't  
13 look as nice as yours, do they?

14 A. Oh, they're nice.

15 Q. They're nice?

16 A. Yeah, he's done a good job with it.

17 Q. What about the ones that you -- you said it  
18 was ordered?

19 A. That's the same one.

20 Q. Same one. Okay.

21 Can you tell me what the soil beneath  
22 your home is like? Is it clay or is it sandy,  
23 rocky, softer?

24 A. Mostly clay.

25 Q. And other than your basement, is there

1 anything else beneath the surface of your land  
2 like a septic tank or something else?

3 A. No.

4 Q. Do you have a septic tank?

5 A. No.

6 Q. So you're connected to public sewer lines?

7 A. Yes.

8 Q. Are the power lines for your home buried  
9 underground or are they elevated?

10 A. They're underground.

11 THE WITNESS: Can I get some more water?

12 MS. JOSELSON: Yeah, I was going to say  
13 it's been about an hour.

14 MR. WILSON: We can take a break.

15 MR. SILVER: How long do you want to do  
16 it for? Like a ten-minute --

17 MR. WHITLOCK: Let's try and make them a  
18 little quicker.

19 MR. WILSON: Let's try and make them --

20 MR. WHITLOCK: Yeah.

21 MR. WILSON: -- a serious ten-minute  
22 break, if we can.

23 MR. WHITLOCK: Yeah.

24 THE VIDEOGRAPHER: The time is now  
25 approximately 10:30 a.m. Going off the

1 record.

2 (Brief recess taken.)

3 THE VIDEOGRAPHER: The time is now  
4 approximately 10:44 a.m. Going back on the  
5 record.

6 BY MR. WILSON:

7 Q. Mr. Sumner, I'd like to ask you just a couple  
8 follow-up questions about some stuff we've  
9 talked about already.

10 When you were running your wood shop in  
11 your basement, where did you store the wood  
12 for it?

13 A. Out in the woodshed.

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 Q. So let's talk a bit about improvements to your  
24 home, things that you've done since the time  
25 that you -- you initially built it.

1           You've replaced the roof; is that  
2           correct?

3           A.   Mm-hmm.

4           Q.   And it seemed that from the records that maybe  
5           you replaced it once in 2000 and then again in  
6           2012?

7           A.   I had -- the porch roof required rubber  
8           roofing, and that had to be done before the  
9           rest of the roof failed. So I did that first,  
10          and then I did the bulk of the asphalt  
11          shingles later.

12          Q.   And you did some of the install work yourself  
13          on the shingles; is that correct?

14          A.   Yeah, most of it.

15          Q.   Typically when you do home improvement  
16          projects, you buy the materials and then you  
17          do the work; is that how you do it?

18          A.   Mm-hmm. Yes.

19               MR. WHITLOCK: Remember to answer  
20          verbally.

21               THE WITNESS: Okay.

22               BY MR. WILSON:

23          Q.   And you've actually -- you've been helpful in  
24          producing a lot of the receipts for the  
25          materials that you bought, and we -- we

1 appreciate that. And I don't want to get into  
2 a big, you know, oh, how much was this  
3 receipt, how much was that receipt, how much  
4 was the other one.

5 So I'll just ask you, do you have any  
6 reason to think that the receipts that you've  
7 provided -- that you provided to us are not an  
8 accurate reflection of the amounts that you  
9 spent on materials for these various projects?

10 MR. WHITLOCK: Objection.

11 A. Can you ask the question again?

12 BY MR. WILSON:

13 Q. I'm sorry. It was an unclear question.

14 You provided us with a bunch of receipts  
15 for the work that you've done.

16 A. Yes.

17 Q. Do you have any reason to think that those are  
18 not an accurate representation of the amounts  
19 that you spent on the various projects?

20 MR. WHITLOCK: Objection to the form to  
21 the extent it implies that all receipts for  
22 any and all work done have been provided.

23 BY MR. WILSON:

24 Q. I'll rephrase the question.

25 Are there any receipts that you have in



1           your possession that you haven't provided for  
2           us?

3           A.   Not that I'm aware of.

4           Q.   So the receipts that you have provided, do you  
5           believe that those are an accurate reflection  
6           of the amounts that you spent on the work that  
7           you did?

8           A.   On the work that I did?

9           Q.   Yes.

10                   MR. WHITLOCK:   Object to the form.

11           A.   It's accurate to the materials.

12                   BY MR. WILSON:

13           Q.   And would labor have been something that you  
14           would have paid cash for or labor that you  
15           would have done yourself?

16           A.   Can you ask it again?

17           Q.   So if those receipts show the price of  
18           materials, is there any documentation that  
19           would show the price of labor?

20           A.   Only -- only the ones that I provided.   There  
21           were some electrical receipts, some plumbing  
22           receipts.   I can't remember -- there's --  
23           there's one for the chimney, and there were  
24           some for carpentry, so...

25                   MR. WILSON:   Okay.   And just to be clear

1 with plaintiffs' counsel, I'm -- I'm just  
2 trying to make this easier because there's  
3 been a lot of receipts that have been  
4 produced --

5 MR. WHITLOCK: Sure.

6 MR. WILSON: I'm just trying to find an  
7 easy way to go through it.

8 MR. WHITLOCK: Yeah. And -- and I guess  
9 just for the record, I -- we -- you know, Mr.  
10 Sumner has produced all the receipts that he  
11 has in his possession, but I don't -- that's  
12 not necessarily every single receipt that he  
13 has spent on improvements.

14 MR. WILSON: I'm -- I'm not going to make  
15 an issue if it turns out that he bought five  
16 nails in 1993 and didn't give us the receipt,  
17 so...

18 MR. WHITLOCK: Well, I think it could be  
19 more significant than that, but...

20 MR. WILSON: Okay. So we'll do our best  
21 to get through this with what -- with what we  
22 have.

23 BY MR. WILSON:

24 Q. So in addition to replacing the roof, have you  
25 replaced the siding?

1 A. No. Well, there -- a few places where the  
2 siding failed and I replaced.

3 Q. And my understanding is that the -- the roof  
4 improvements that you did, the initial  
5 improvements in about 2000, you spent maybe  
6 about \$4,000 in materials on.

7 Does that sound about right?

8 A. Yeah, for the asphalt.

9 Q. And about 5,700 in 2012.

10 Does that sound about right?

11 A. I would have to go back and look at my  
12 records.

13 Q. And when you mentioned you've replaced small  
14 areas of siding --

15 A. Mm-hmm.

16 Q. -- is that just patches that you've done?

17 A. Yeah, very small. Just a few areas where the  
18 siding, for whatever reason, failed.

19 Q. And you just tried to keep up on top of that?

20 A. Yes.

21 Q. Have you repainted since the time you built  
22 your home?

23 A. Yes.

24 Q. Have you repainted the exterior?

25 A. Twice. Working on my third time.

1 Q. Did you change the color or were you just  
2 freshening up?

3 A. Just -- well, more than freshening up.  
4 Complete coats.

5 Q. So you're on your third repainting?

6 A. Mm-hmm.

7 Q. And interior, have you repainted the interior?

8 A. Completely.

9 Q. How many times?

10 A. Once.

11 Q. Same colors?

12 A. Same colors, except for the master bedroom we  
13 changed the bedroom -- master bedroom wall.

14 Q. And we've talked about some of the upgrades to  
15 the landscaping. You've added a vegetable  
16 garden?

17 A. Correct.

18 Q. And you initially did that with -- with cedar  
19 for about \$800, but then you upgraded to  
20 something more durable. Pressure treated  
21 plywood; is that correct?

22 A. Yes.

23 Q. And the pressure treated plywood was cheaper,  
24 but it lasts longer; is that fair?

25 A. I don't know if it lasts longer.

1 Q. Hoping.

2 A. Well, they've taken all the bad chemicals out  
3 of it, so I don't know what it will do.

4 Q. And I understand in -- in 2001 you purchased  
5 about 8 tons of topsoil and had Phil  
6 Harrington do some backfilling and grading  
7 around the foundation for about \$650.

8 A. I don't --

9 Q. Can you tell me what -- is that correct?

10 A. I don't remember the tonnage.

11 Q. But you recall purchasing those -- that  
12 topsoil and having the grading done?

13 A. It was a combination of topsoil, manure and  
14 sand from my garden. If that's what you're  
15 referring to.

16 Q. And you had Phil Harrington do some grading  
17 for that?

18 A. He excavated out the vegetable garden and put  
19 in the soil that he had brought.

20 Q. And we've discussed your rock garden already.  
21 Have you replaced your windows?

22 A. No. I broke one sash and had to replace it.

23 Q. And when you've done those improvements, did  
24 you pay cash for them or have you financed  
25 them?

1 MR. WHITLOCK: Object to the form.

2 You can answer.

3 A. I didn't refinance any -- any of my  
4 improvements. All cash.

5 BY MR. WILSON:

6 Q. I understand you hired R&D Concrete Cutting &  
7 Drilling in 2000. Paid them about \$425.

8 Do you recall what job they were doing?

9 A. Yes.

10 Q. Can you tell me what it was.

11 A. When I put on the addition, I had to cut  
12 through my foundation to create a storage room  
13 underneath the addition and have access to it.

14 Q. And so let's talk about that addition.

15 That's an office addition; is that  
16 correct?

17 A. It is now. It could be a bedroom.

18 Q. And what year did you do that in?

19 A. It was -- I started it in 1999 and finished it  
20 in 2000.

21 Q. Did you do most of the work yourself?

22 A. I'm sorry?

23 Q. Did you do most of the work yourself?

24 A. Yes.

25 Q. And total cost was about \$20,000; is that

1 correct?

2 A. Yes, that's my estimate.

3 Q. And about how many square feet did you add to  
4 the property with that office addition?

5 A. I went from 1440 to 1650.

6 Q. Let's talk now about the improvements you've  
7 made to the interior.

8 What changes have you done on the inside  
9 of the house?

10 A. In one of the bedrooms, I built and installed  
11 a -- an entire wall of shaker storage units,  
12 drawers and cabinets.

13 Other than the addition?

14 Q. Yes.

15 A. Of course, the interior painting. We've  
16 upgraded our appliances, as I already noted.

17 Q. Have you made any upgrades to the systems,  
18 like plumbing, electrical or heating?

19 A. When I put on the addition, I changed -- I  
20 converted a closet into the half bath.

21 Q. So now the total number of baths in your home  
22 is?

23 A. One and a half.

24 Q. And you said that was in 2001?

25 A. What -- what?

1 Q. The conversion to the half bath.

2 A. It probably was right there with the addition,  
3 which was '99, 2000. It was the last thing I  
4 did, so it might have gone into 2001, but I  
5 think it was still in 2000.

6 Q. Have you refinished the floors?

7 A. I've changed carpeting but -- and -- and  
8 that's it.

9 Q. Are all the floors in your home carpet?

10 A. No.

11 Q. Which of them are carpet?

12 A. One bedroom and the office.

13 Q. And is everything else hardwood?

14 A. No.

15 Q. What -- what other flooring do you have?

16 A. Wide pine boards.

17 Q. Are these like sort of the historic  
18 subflooring that you'd see in old homes; is  
19 that what it looks like?

20 A. Well, the subflooring is what goes underneath  
21 your flooring. So I don't understand your  
22 question.

23 Q. Yeah, I'm sorry. I know like when -- when  
24 I've done renovations and pull up the old  
25 hardwood --



1 A. Yes.

2 Q. -- in old homes, you find the subflooring  
3 that's usually wide -- wide pine boards; isn't  
4 it?

5 A. No. Well, it all depends. In my house my  
6 subfloor is three-quarter inch plywood, and my  
7 flooring is wide pine boards.

8 Q. Okay. And you haven't refinished those?

9 A. No.

10 Q. And your bathrooms, what's the flooring in  
11 there?

12 A. Linoleum.

13 Q. Have you replaced that linoleum?

14 A. No. The half bath is -- was new. So that  
15 linoleum was 2000, 2001.

16 Q. So we're going to mark a couple exhibits here.

17 A. Mm-hmm.

18 MR. WILSON: This will be 1, and this  
19 will be 2.

20 (Deposition Exhibit No. 1 was marked for  
21 identification.)

22 (Deposition Exhibit No. 2 was marked for  
23 identification.)

24 (Off-the-record colloquy.)

25 //

1 BY MR. WILSON:

2 Q. So, Mr. Sumner, your attorneys have produced  
3 to us a number of documents that they've  
4 represented are -- are photos of your home,  
5 and I've handed you as Exhibit 1 a -- a group  
6 of photos that appear to be interior photos of  
7 your home, and as Exhibit 2 -- I'm sorry --  
8 exterior photos of your home.

9 A. Yes. Thank you.

10 Q. And as Exhibit 2 a collection of interior  
11 photos of your home.

12 Could you just take a look at these and  
13 confirm that they are what they appear to be?

14 A. (Witness complying)

15 Q. And I apologize --

16 A. Well, that's not my home. That's my shed.

17 Q. I'm glad you don't live in there.

18 A. And that's not my home. That's my garden.

19 Q. Okay.

20 A. These are gardens. So, yeah, this is a  
21 mixture of home and gardens.

22 Q. So would it be fair to say that Exhibit 1  
23 fairly and accurately shows pictures of your  
24 home and garden --

25 A. Yes.

1 Q. -- exterior?

2 A. Yes. And shed.

3 MR. WHITLOCK: Lincoln, just for the  
4 record, Exhibit 2, these were documents that  
5 were produced in discovery?

6 MR. WILSON: That's my understanding.

7 MR. WHITLOCK: Okay. There just wasn't  
8 Bate stamps on them, so I was asking. I'm  
9 fairly certainly they are. I recall seeing  
10 them. Just was wondering why there weren't  
11 Bate stamps on them. Just --

12 MR. WILSON: Do you have an associate you  
13 can blame?

14 MS. JOSELSON: I hope not.

15 MR. WHITLOCK: Well, I mean, they would  
16 have -- yeah, seems like they would have been  
17 produced to you guys with Bate stamps.

18 I need an associate to blame. It's a  
19 valid point. You guys have lots.

20 Can I have one of them?

21 A. So, Lincoln, yes, this is mostly my interior  
22 Exhibit 2, but there is one exterior photo.

23 BY MR. WILSON:

24 Q. Okay.

25 A. And it is my house.

1 Q. Thank you, Mr. Sumner.

2 And do you know who took these photos?

3 A. I did.

4 Q. And --

5 A. And my wife took some.

6 Q. Do you know when you took them?

7 A. When I was asked for photos of my house, which  
8 was last fall. I can't remember -- it must  
9 have been wintertime, so it must have been  
10 last winter or last spring.

11 Q. Having taken a look through these photos, is  
12 there anything in here that you see that you  
13 would say has changed since the time you took  
14 the photos?

15 A. No.

16 MR. WHITLOCK: I'm sorry, Lincoln, were  
17 we talking about Exhibit 1?

18 MR. WILSON: Both collections.

19 MR. WHITLOCK: Oh, okay.

20 BY MR. WILSON:

21 Q. So you haven't made any further improvements  
22 since the time that you took these photos; is  
23 that correct?

24 A. That's correct.

25 Q. And most of these photos in Exhibit 2 are very

1 clearly labelled so that we know what's going  
2 on.

3 If you look at the picture towards the  
4 end it says, concrete storage under porch --

5 A. Right.

6 Q. -- 2000?

7 A. Mm-hmm.

8 Q. Can you tell me what I'm looking at here?

9 A. Yes. So when I initially built the house,  
10 that was mostly -- the backyard continued in  
11 underneath the porch with just a very, very  
12 narrow walkway to the door. So I decided to  
13 create storage under there. So I had an  
14 excavator come and dig out underneath my porch  
15 to a full 8-foot standing height, put in the  
16 retaining walls that are concrete and a  
17 concrete floor.

18 Q. Do you recall what that cost?

19 A. I have it in my -- it was submitted to you  
20 guys. Specifically I think -- I can't  
21 remember exactly. Around the general 8,  
22 \$10,000. Something like that.

23 Q. And would that be in the picture a door to  
24 your shop in the basement?

25 A. No.

1 Q. What would be behind that door?

2 A. Basically a laundry room, utility room. We  
3 have some storage cabinets in there like a  
4 pantry.

5 Q. And so in the basement you have your -- your  
6 shop, that utility room, storage cabinets and  
7 laundry; is that correct?

8 A. And then the storage room underneath the  
9 office, which is separate from this.

10 Q. Is there anything else in your basement?

11 A. I don't understand the question. You mean  
12 like what?

13 Q. Any other features?

14 A. Features. Well, the chimney goes down there.  
15 The chimney is very close to -- to the door  
16 right there. No, no features.

17 Q. And to confirm, the exterior photos in  
18 Exhibit 1, you also believe that these fairly  
19 and accurately represent your home?

20 A. Yes.

21 Q. And you haven't made any changes to the  
22 exterior since this time?

23 A. Yes. I did do some painting. I started  
24 painting last year, last summer.

25 MR. WILSON: Can we go off the record for

1 a moment?

2 THE VIDEOGRAPHER: The time is now  
3 approximately 11:04 a.m. Going off the  
4 record.

5 (Off-the-record colloquy.)

6 THE VIDEOGRAPHER: Time is now  
7 approximately 11:05 a.m. Going back on the  
8 record.

9 BY MR. WILSON:

10 Q. So, Mr. Sumner, we've handed you a blank piece  
11 of lined paper. This is going to be  
12 designated as Exhibit 3. If you'll put the  
13 Exhibit 3 tag on it.

14 (Witness complying)

15 (Deposition Exhibit No. 3 was marked for  
16 identification.)

17 Q. As we discussed, we're going to have you  
18 sketch out the floor plan of -- of your home  
19 and label the various rooms, if you'd do that  
20 for us.

21 A. (Witness complying)

22 MR. WHITLOCK: Mr. Sumner, would looking  
23 at that help?

24 THE WITNESS: No.

25 MR. WHITLOCK: Okay.

1 THE WITNESS: But thank you.

2 MR. WHITLOCK: I mean, I know you know it  
3 so...

4 Do you want to go off the record,  
5 Lincoln, while he does that or --

6 MR. WILSON: That's fine. We can -- we  
7 don't need a video.

8 THE VIDEOGRAPHER: The time is now  
9 approximately 11:06 a.m. Going off the  
10 record.

11 (Off-the-record colloquy.)

12 THE VIDEOGRAPHER: The time is now  
13 approximately 11:16 a.m. Going back on the  
14 record.

15 BY MR. WILSON:

16 Q. And, Mr. Sullivan, what you've drawn --

17 A. Sumner, Sumner.

18 Q. Sumner, I'm sorry.

19 A. That's all right.

20 Q. Two days.

21 Mr. Sumner, on the reverse side of  
22 Exhibit B here, is this a fair -- sorry.  
23 Withdraw the question.

24 Mr. Sumner, on the reverse side of  
25 Exhibit 3, is this a fair and accurate



1 depiction of your rough sketch of the basement  
2 floor plan of your home?

3 A. It's a fair. Not accurate.

4 Q. Thank you. And may I just take a quick look  
5 at what you've drawn there?

6 A. Yeah.

7 Q. Hand that back to you.

8 Mr. Sumner, would you please -- on the  
9 basement floor plan, would you indicate to me  
10 where the POET has been installed in your  
11 basement?

12 A. (Witness complying)

13 Q. And would you write POET next to it so we know  
14 what we're looking at?

15 A. (Witness complying)

16 Q. And is the -- where are the utilities located  
17 in your basement?

18 A. So my water comes in here, and the water  
19 storage tank is right there next to the POET.  
20 My furnace is right here. (Indicating)

21 Q. Would you write furnace there for me?

22 A. Mm-hmm. (Witness complying)

23 Q. And would you also write in that water storage  
24 tank?

25 A. Actually it's the pressure tank. The storage

1 tank is over here. And then I have a hot  
2 water heater here. So the storage, pressure  
3 tank. So the water comes in this way. And my  
4 pump is out here, my well. (Indicating)

5 Q. Thank you. And would you also label that hot  
6 water heater?

7 A. Let's see. (Witness complying) It's both.  
8 This preheats it. So they're both labelled  
9 hot water storage, but this one preheats it,  
10 and that one is a hybrid.

11 Q. Thank you. And I think I had one more  
12 question about this.

13 Oh, do you -- where do you store the oil  
14 for your furnace?

15 A. 275-gallon tank right there. (Indicating)

16 Q. And it's elevated tank? It's not buried?

17 A. It's on -- it's on legs, yeah, in my basement.

18 Q. I believe this probably concludes the drawing  
19 portion of this examination.

20 A. Okay.

21 Q. Okay. Thank you.

22 Just to speak about some of the furniture  
23 in your home. Does any of the upholstery in  
24 your home have a stain-resistant fabric  
25 protector?

1 A. I believe our couch does.

2 Q. Anything else?

3 A. No, not that -- not that I'm aware of.

4 Q. And any furniture that you purchased that may  
5 have been pretreated as stain resistant?

6 A. I don't have any idea. I don't believe so.

7 Q. Do you have homeowners insurance?

8 A. Yes.

9 Q. How many policies?

10 A. How many policies?

11 Q. Yes.

12 A. One policy.

13 Q. Do you know if there are any specific  
14 exclusions from coverage in your policy?

15 MR. WHITLOCK: Object to the form.

16 You can answer.

17 A. Can you give me an example of an exclusion?

18 BY MR. WILSON:

19 Q. For example, some homeowners policies or most  
20 homeowners policy exclude flood.

21 Do you know if yours excludes flood?

22 A. I don't know.

23 Q. Do you have a separate flood insurance policy?

24 A. Not that I'm aware of.

25 Q. Are you aware of anything else that's excluded

1 from coverage?

2 MR. WHITLOCK: Object to the form.

3 You can answer.

4 A. Not that I'm aware of.

5 BY MR. WILSON:

6 Q. Do you know the amount that you pay for  
7 insurance annually?

8 A. For homeowners insurance?

9 Q. Yes.

10 MR. WHITLOCK: Object to the form.

11 You can answer.

12 A. Yeah. It's over 900.

13 BY MR. WILSON:

14 Q. And do you know if it's insured for its total  
15 value or for its replacement cost?

16 A. Are you talking the house?

17 Q. Yes.

18 A. Well, let me just say it is insured to cover  
19 what it would -- to replace it.

20 Q. Is your home currently for sale?

21 A. No.

22 Q. Have you attempted to sell your home in the  
23 past?

24 A. No.

25 Q. Do you have any present plans to sell your

1 home?

2 A. No.

3 Q. Have you ever attempted to lease your home?

4 A. No.

5 Q. Did you ever have your well tested, other than  
6 the PFOA tests and the bacteria test that we  
7 already discussed?

8 A. There have been -- the state has done a number  
9 or maybe even Saint-Gobain -- there have been  
10 a number of tests on it. So those are all  
11 related to the PFOA, I guess, but other than  
12 the initial certification for occupancy test  
13 that I had back in 1990, no.

14 Q. And do you recall when the -- do you recall  
15 the date of the first PFOA test on your home?

16 A. No, I don't.

17 Q. Do you recall the result of the water test?

18 A. Of the water test? At the time?

19 Q. Yes.

20 A. Parts per trillion?

21 Q. Yes.

22 A. I believe it was 420.

23 Q. If -- if we had the documentation that showed  
24 the test results, would you defer to the  
25 documentation rather than your recollection?

1 A. Sure.

2 Q. Sometime after that initial test result, you  
3 had a POET installed; is that correct?

4 A. That's correct.

5 Q. And has your home been tested after the  
6 installation of that POET?

7 A. The state has regularly tested it after or --  
8 or Saint-Gobain has tested it. I don't know  
9 who is responsible -- behind the testing, but  
10 yes.

11 Q. Do you remember when that POET was installed?

12 A. I think it was early or spring of 2016.

13 Q. And is it your understanding that following  
14 the installation of that POET no PFOA is  
15 detected in the water that is used in your  
16 home?

17 A. I don't know that.

18 MR. WHITLOCK: Object to the form.

19 A. I don't know that.

20 BY MR. WILSON:

21 Q. Has anyone -- were you provided with those  
22 test results?

23 A. Yes.

24 Q. Did you understand those test results to say  
25 that PFOA was deductible in that water?

1 MR. WHITLOCK: Object to the form.

2 A. Again, before the filter or after the filter?

3 BY MR. WILSON:

4 Q. After the filter.

5 A. Can you ask that question again?

6 Q. So now that the POET has been installed in  
7 your home --

8 A. Yes.

9 Q. -- is it your understanding that no test has  
10 detected PFOA in the water in your home?

11 MR. WHITLOCK: Object to the form.  
12 Before the filter or after the filter? Just  
13 ask the question.

14 MR. WILSON: I believe I said after the  
15 filter.

16 MR. WHITLOCK: You didn't.

17 BY MR. WILSON:

18 Q. After the filter was installed --

19 A. Right.

20 Q. -- is it your understanding that PFOA has not  
21 been detected in the water that's in your  
22 home?

23 A. Okay.

24 MR. WHITLOCK: Object to the form.

25 A. It has been tested a number of times. I'm not

1 familiar with all the tests. I think most of  
2 the tests after the filter proved nondetect,  
3 but I'm not aware of all the tests.

4 BY MR. WILSON:

5 Q. Have you provided us with all the test results  
6 that you're aware of?

7 A. Yes.

8 Q. Do you know who paid for the testing?

9 A. No.

10 Q. Did you pay for it?

11 A. No.

12 Q. When you first received that test result that  
13 showed PFOA in your water, before the filter  
14 was installed, did you take any action based  
15 on those results?

16 A. Can you ask the again question?

17 Q. When you received those first test results  
18 before the filter was installed, did you take  
19 any action when you learned of those results?

20 A. Just allowing the POET to be installed.

21 Q. Anything else?

22 A. No.

23 Q. Have you had your soil tested?

24 A. Yes.

25 Q. Did you ever have your soil tested prior to



1 the discovery of PFOA in Bennington?

2 A. Yes, but only for pH factors in the vegetable  
3 garden.

4 Q. What were the results of the soil test that  
5 you had after PFOA was detected in Bennington?

6 A. The scale that the soil tests are put on I  
7 don't really comprehend. I remember there was  
8 a 300 at the end of the column, and there was  
9 an 8.2 or .82 milligrams per liter or  
10 something. I don't really comprehend what  
11 that scale represents.

12 Q. Did you take any action based on those test  
13 results?

14 A. Yes.

15 Q. What did you do?

16 A. Well, we -- we stopped using our garden. We  
17 were going to stop using it anyway, but that  
18 confirmed it.

19 Q. Did your wife tell you anything about those  
20 test results?

21 A. Did she tell me anything about them?

22 Q. Yeah. Since you said you didn't understand  
23 them, did she have any understanding about  
24 them?

25 A. No, she didn't.

1 MS. JOSELSON: That's also your water.

2 BY MR. WILSON:

3 Q. If -- if you were told that the results of --  
4 for PFOA in your soil showed the PFOA levels  
5 were less than the recommended safe level in  
6 Vermont, would that lead you to use your  
7 vegetable garden again?

8 A. No.

9 MR. WHITLOCK: Objection to the form and  
10 to the hypothetical.

11 BY MR. WILSON:

12 Q. Why not?

13 A. I'm not comfortable with any PFOA in my soil.

14 Q. And I think as we -- and if you brought new  
15 soil into your vegetable garden, would that  
16 make you comfortable with using your vegetable  
17 garden again?

18 A. No.

19 Q. Why not?

20 A. Because the groundwater is contaminated, and  
21 it could easily be contaminating any soil I  
22 bring in.

23 Q. Has anyone told you that that's the case?

24 A. No.

25 Q. Do you believe that all levels of PFOA in soil

1           are unsafe?

2       A.   Yes.

3       Q.   Do you believe that all levels of PFOA in the  
4           blood are unsafe?

5       A.   Yes.

6       Q.   So the only appraisals that you've had of your  
7           home have been the town tax assessments; is  
8           that correct?

9       A.   There was -- we found evidence of one  
10          appraisal that was done either during or  
11          shortly after construction, but we couldn't  
12          get the records. They were destroyed after  
13          ten years of storage.

14      Q.   Thank you for that answer and for your  
15          diligence in looking for that.

16                So the only appraisals that you have  
17          available to you, are the town tax  
18          assessments; is that correct?

19      A.   Yes.

20      Q.   And the town has had the same assessed value  
21          for your home both before PFOA was detected  
22          and after PFOA was detected; is that right?

23      A.   Yes.

24      Q.   Do you believe that the value of your home has  
25          been the same both before PFOA was detected

1           and after PFOA was detected?

2       A.   No.

3       Q.   Did you challenge the tax assessment that you  
4           received as inaccurate because of the  
5           diminution in value that you attribute to  
6           PFOA?

7       A.   No.

8       Q.   Besides using your home -- besides living in  
9           your home and previously running your  
10          woodworking shop out of it, what else do you  
11          use your home for?

12      A.   Besides living in it?

13      Q.   Yes.

14      A.   Recreation.

15      Q.   What specifically?

16      A.   Well, my gardening was a big part of it and  
17          certainly hobby work in my shop. I like to or  
18          used to like to chip my golf balls around my  
19          yard.

20      Q.   Do you not do that anymore?

21      A.   No, I don't.

22      Q.   Why not?

23      A.   I don't enjoy my yard like I used to, and I  
24          don't -- it's just different now that I know  
25          there's -- the soil is contaminated.

1 Q. Do you entertain socially at your home?

2 A. Minimally. Rarely.

3 Q. Has that been affected by PFOA?

4 A. I can't say it has.

5 Q. Other than the installation of the POET, have  
6 you taken any steps to remove PFOA from your  
7 water or your soil?

8 A. No.

9 MR. WILSON: How we doing on tape?

10 THE VIDEOGRAPHER: We got about  
11 23 minutes.

12 MR. WILSON: Maybe we'll make it through  
13 the end of the tape, and then break for lunch?

14 MR. WHITLOCK: Yeah.

15 MR. WILSON: Okay.

16 MR. WHITLOCK: Be right around noon.  
17 Are you okay, Sandy?

18 THE WITNESS: Yeah, I'm fine.

19 MR. WHITLOCK: Okay.

20 BY MR. WILSON:

21 Q. You lived in your home at the time that the  
22 former ChemFab facility in North Bennington at  
23 1030 Water Street was active; is that correct?

24 A. Correct.

25 Q. And you were aware of the facility at that

1 time; is that correct?

2 A. Yes.

3 Q. And how close is your home to that facility?

4 A. As the crow flies, again it's probably about  
5 300 yards.

6 MR. WILSON: This is going to be No. 4.

7 (Deposition Exhibit No. 4 was marked for  
8 identification.)

9 BY MR. WILSON:

[REDACTED]

■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]

5 MR. WHITLOCK: Lincoln, I won't be as  
6 hard on you as I was in Mr. Jennings'  
7 deposition.

8 MR. WILSON: Okay. On my reading?

9 MR. SILVER: Just -- just be confident  
10 that he's not trying to pull the wool over  
11 your eyes. Keep an open mind.

12 MS. JOSELSON: Yeah. Shady.

13 BY MR. WILSON:

14 Q. So on the first page of your declaration --  
15 let me just back up.

16 Have you seen this document before?

17 A. Yes.

18 Q. Can you tell me what it is?

19 A. It's my declaration and responses -- no, not  
20 responses. Just basically my declaration.

21 Q. What role did you have in preparing this  
22 document?

23 A. I responded to the questions that I was asked  
24 by my lawyers.

25 Q. And did they draft this document for you?

1 A. Yes.

2 Q. And you reviewed it; is that correct?

3 A. Yes.

4 Q. And you signed it on the fourth page and said  
5 that you declare under penalty of perjury  
6 under the laws of the state of Vermont and the  
7 United States that the above is true and  
8 correct and that this declaration was executed  
9 on September 27th, 2017?

10 A. Yes.

11 Q. Are you aware of anything in this declaration  
12 that you believe is inaccurate?

13 A. Not without reading it again right now; but  
14 no, when I reviewed it, I was comfortable.

15 Q. So on the first page of this declaration, it  
16 says in paragraph 3, my home is located to the  
17 east of ChemFab, Saint-Gobain's former plant  
18 on Water Street. From the time I moved into  
19 my home in 1990, I and my neighbors  
20 experienced noxious odors, emissions, and  
21 visible smoke released from ChemFab's,  
22 Saint-Gobain's operations.

23 The pollution filled our house and made  
24 me and my wife feel ill. I, my neighbors  
25 complained to ChemFab, Saint-Gobain repeatedly



1 over the years about the plant's noxious air  
2 pollution, and we met regularly for a period  
3 of time with ChemFab, Saint-Gobain's  
4 management to urge them to make improvements  
5 in their air emissions and/or exhaust system  
6 but to no avail.

7 MR. WILSON: Mr. Whitlock, did I read  
8 that correctly?

9 MR. WHITLOCK: You did, counsel. Thank  
10 you.

11 BY MR. WILSON:

12 Q. So, Mr. Sumner, I'd like you to tell me a  
13 little bit more about this.

14 When you lived in your home in 1990, you  
15 were aware that the ChemFab plant was  
16 operating near your home; is that correct?

17 A. Yes.

18 Q. And did you understand before you moved into  
19 your home what the facility did?

20 A. No.

21 Q. What was your understanding of the facility --  
22 what the facility did after you moved into  
23 your home?

24 A. Well, it was an evolution. I learned that  
25 they made -- that they coated roofing material

1           for commercial businesses.

2           Q. Did you know what they coated the material  
3           with?

4           A. I learned over time.

5           Q. When did you learn it?

6           A. We -- mostly during the meetings when we went  
7           down and met with management down there. So  
8           early '90s.

9           Q. So this was while the plant was operating?

10          A. Yes.

11          Q. Now, you -- you say in this declaration, the  
12          pollution filled our house and made me and my  
13          wife feel ill.

14          A. Yes.

15          Q. Can you describe what those feelings were?

16          A. Yeah. If we closed our windows, it wasn't too  
17          much of an issue; but if we had our windows  
18          open and, let's say, you know, at some point  
19          the fumes started to come into our house, it  
20          would instantly irritate our throats. If we  
21          went to bed with our windows open, you could  
22          easily often wake up with a very dry, sore  
23          throat, headaches, an occasional nose bleed.  
24          When I say occasional, that was the least of  
25          all the symptoms; but mostly headaches and

1       sore throat, coughing, because during the  
2       night, the fumes would come in. You couldn't  
3       always know when the fumes were going to come  
4       in, because the wind would change direction or  
5       they would start emitting, you know, at  
6       different times. There was no schedule, rhyme  
7       or reason to when we would get impacted by the  
8       fumes.

9       Q. At the time that you were experiencing those  
10       fumes, you attributed them to the emissions  
11       from the -- the ChemFab facility; is that  
12       correct?

13       A. We did.

14       Q. Did you ever consider bringing legal action  
15       against ChemFab because of the fumes?

16       A. I contacted the EPA on two occasions and filed  
17       official complaints, and they told me that  
18       ChemFab was doing -- was working according to  
19       state and national regulations.

20               So, no, I did not.

21       Q. Do you have copies of those complaints you  
22       filed with the EPA?

23       A. I'm sure the EPA does.

24       Q. But you don't have copies of them?

25       A. No. It was phone calls.

1 Q. Phone calls.

2 A. You could check my phone records.

3 Q. Did you ever consider bringing a civil action  
4 against Saint-Gobain?

5 A. No.

6 Q. Did you ever believe that there may be  
7 long-term physical effects associated with the  
8 exposure that you had to those emissions?

9 MR. WHITLOCK: Objection.

10 You can answer.

11 A. I was concerned.

12 BY MR. WILSON:

13 Q. And that was during the time that you were  
14 exposed to the emissions; is that correct?

15 A. Yeah. Yes.

16 Q. Did you know what was contained in those  
17 emissions?

18 A. No.

19 Q. What things did you think that maybe those  
20 emissions might cause in the future?

21 A. Can you say -- ask that again?

22 Q. When you said you were concerned about the  
23 possibility of future health problems from  
24 those emissions --

25 A. Right.

1 Q. -- what were you concerned those emissions  
2 might cause?

3 MR. WHITLOCK: Object to the form.

4 You can answer.

5 A. They -- the effect at times was so harsh that  
6 I -- I did think that they were carcinogenic.

7 BY MR. WILSON:

8 Q. Do -- did you feel after PFOA was detected  
9 in -- in water in Bennington and that what  
10 state and federal health authorities have  
11 said, did you feel that your belief about  
12 those things maybe being carcinogenic have  
13 been vindicated?

14 MR. WHITLOCK: Object to the form. Vague  
15 and ambiguous.

16 A. I know that nothing has been proved  
17 scientifically.

18 Can you ask the question again?

19 BY MR. WILSON:

20 Q. Let's -- this might be better done with  
21 another exhibit.

22 MR. WILSON: And, Ed, how are we doing on  
23 time?

24 THE VIDEOGRAPHER: 15 minutes.

25 (Off-the-record colloquy.)

1                   (Deposition Exhibit No. 5 was marked for  
2                   identification.)

3                   BY MR. WILSON:

4           Q.    So, Mr. Sumner, the court reporter has handed  
5                you what's been marked as Exhibit 5 to your  
6                deposition.

7                   Do you recognize this document?

8           A.    I -- I've read the article online, but I don't  
9                recognize it in this format.

10          Q.    So does it appear to be a printout of an  
11                online article that you've read before?

12          A.    It does.

13          Q.    And the top of the article says, Vermont  
14                Digger Investigation by Mike Polhamus. Part  
15                3: Neighbors in the contamination zone  
16                sickened by PFOA.

17                   MR. WILSON: Mr. Whitlock, did I read  
18                that correctly?

19                   MR. WHITLOCK: I believe so. I was just  
20                looking for the -- oh, I see it. Yes, sir.

21                   BY MR. WILSON:

22          Q.    And on the fourth page of this document,  
23                there's a heading that says, Ground Zero.

24          A.    Okay.

25          Q.    And it says, this is ground zero, said Sandy

1 Sumner, a 65-year-old who lives a few houses  
2 downhill from Kelly and her family, about  
3 1,000 feet east of the former ChemFab plant.

4 A. Mm-hmm.

5 Q. The prevailing winds are from the direction of  
6 the factory, so we got the brunt of their  
7 exhaust, Sumner said.

8 MR. WILSON: Mr. Whitlock, did I read  
9 that correctly?

10 MR. WHITLOCK: You did, counsel. Thank  
11 you.

12 BY MR. WILSON:

13 Q. And at the bottom of that page, the paragraph  
14 at the bottom, the second sentence says,  
15 however, the pollution intensified to the  
16 point that he began to worry it might affect  
17 the couples' health, Sumner said.

18 The maps Saint-Gobain Performance  
19 Plastics produced this year showed the  
20 factory's pollution levels ramping up steadily  
21 through the 1990s.

22 MR. WILSON: Mr. Whitlock, did I read  
23 that correctly?

24 MR. WHITLOCK: You did. Thank you.

25 //

1 BY MR. WILSON:

2 Q. Mr. Sumner, can you tell me when you began to  
3 worry about the pollution, that it might  
4 affect you and your wife's health, can you  
5 describe those worries that you were feeling  
6 to me?

7 A. They were serious concerns.

8 From what aspect do you want me to  
9 describe it? Emotionally?

10 Q. Were they -- they were serious enough concerns  
11 that you felt you needed to take action?

12 A. Well, I did -- I did take action.

13 Q. And you -- you took several actions, right?

14 A. Well, we met with Saint-Gobain management. I  
15 called the EPA. I talked with the guy who  
16 owns our development and who had also had  
17 property there. So those are the actions that  
18 I took.

19 Q. And did you feel that your concerns were  
20 adequately addressed by ChemFab or by the EPA?

21 A. No.

22 Q. What actions did ChemFab or the EPA take in  
23 response to your concerns?

24 A. Well, when we would meet with ChemFab, they  
25 would say, well -- they'd give us a list of



1 things that they were going to try to do,  
2 improvements that they were going to try to  
3 make, and then they'd say okay, we'll let this  
4 go for two or three months and then you  
5 guys -- we'll meet back here again, and you  
6 tell us if any of the improvements that we're  
7 going to make did anything.

8 And we would meet back with them, and  
9 we'd say, no, still bad. Still the same.

10 And then they'd say, okay, well, we'll  
11 try this.

12 And we were never satisfied.

13 Q. Now, on the second full paragraph of page 5 of  
14 this article, it says, the factory's gray  
15 exhaust fumes weren't as noticeable as the  
16 smell, Sumner said, which, quote, you'd feel  
17 in your throat as much as smell it. Your  
18 throat would start to get tense immediately,  
19 end quote.

20 MR. WILSON: Mr. Whitlock, did I read  
21 that correctly?

22 MR. WHITLOCK: You did. Thank you.

23 BY MR. WILSON:

24 Q. Mr. Sumner, is it fair to say that you felt  
25 that there was an immediate association

1           between the emissions and that feeling in your  
2           throat?

3           A. Over time, yes. You -- you could identify the  
4           smell immediately, and there would be a -- a  
5           physical reaction to it.

6           Q. Did that lead you to believe that there was a  
7           causal relationship between those emissions  
8           and the symptoms you were experiencing?

9           A. Over time.

10          Q. And did that further lead you to believe that  
11          there may be a risk of future health effects  
12          from those emissions?

13          A. There is no way of knowing. And I knew that.  
14          I knew that.

15          Q. So -- but did you believe that there was a  
16          potential risk?

17          A. I was concerned.

18          Q. Take a look down further on this page.  
19          There's a paragraph that begins regardless.  
20          It says, regardless, he'd always say, I came  
21          up there and never smelled anything, Sumner  
22          said. My instincts told me at the time that  
23          was -- it was bullshit.

24                 MR. WILSON: Did I read that correctly,  
25          Mr. Whitlock?

1 MR. WHITLOCK: You did, counsel. Could I  
2 ask, just for clarity, would -- would you read  
3 the preceding paragraph, as well --

4 MR. WILSON: Yeah.

5 MR. WHITLOCK: -- just so we know who he  
6 is.

7 MR. WILSON: I was -- I was going to ask  
8 Mr. Sumner if --

9 MR. WHITLOCK: Okay.

10 BY MR. WILSON:

11 Q. If the guy referred to in that sentence was a  
12 ChemFab manager?

13 A. He identified himself as such.

14 Q. And in the next sentence says, I remember  
15 saying to the guy, I think this is  
16 carcinogenic, and he blew his stack, Sumner  
17 said.

18 He came back at me and said it's not. It  
19 turns out the fucking shit is carcinogenic.

20 MR. WILSON: Did I read that correctly,  
21 Mr. Whitlock?

22 MR. WHITLOCK: You did.

23 BY MR. WILSON:

24 Q. So, Mr. Sumner, is it fair to say that you  
25 believed at the time that the plant was

1 operating, that the emissions you were being  
2 exposed to were carcinogenic?

3 A. I was concerned.

4 Q. Is it fair to say that you -- you thought  
5 that?

6 A. I was concerned.

7 Q. Is it fair to say that you believed it was  
8 carcinogenic?

9 MR. WHITLOCK: I'm going to object to the  
10 form. Mischaracterizes the quote.

11 But you can answer.

12 A. I was concerned.

13 BY MR. WILSON:

14 Q. So when you said, quote, I think this is  
15 carcinogenic, quote, is it fair to say that  
16 you thought it was carcinogenic?

17 A. I knew that the potential was there.

18 Q. And when you said, quote, it turns out the  
19 fucking shit is carcinogenic, does that show  
20 that you believed you'd been vindicated in  
21 your belief?

22 MR. WHITLOCK: Object to the form.

23 You can answer.

24 A. I know that there's -- scientifically it has  
25 not been absolutely proven definitively, so

1 I -- I understand that. And I think I said  
2 that out of -- vindicated is a strong word. I  
3 don't agree with that.

4 BY MR. WILSON:

5 Q. Would you say that you believed you had been  
6 proven right?

7 MR. WHITLOCK: Object to the form.

8 A. No. No.

9 THE WITNESS: I'm sorry.

10 MR. WHITLOCK: That's okay. You can  
11 answer.

12 BY MR. WILSON:

13 Q. Why not?

14 A. Because it hasn't been proven scientifically.

15 Q. When you said it turns out the fucking shit is  
16 carcinogenic, what did you mean by turns out?

17 A. That there has been evidence connecting it to  
18 it.

19 Q. Two more paragraphs down it says, when you're  
20 in a situation and you don't want to believe  
21 something in your head, you'll justify the  
22 situation, he said. Even though we were  
23 actually getting sick from the exhaust from  
24 time to time, I couldn't get myself to sell  
25 this house because I put so much into it.

1 MR. WILSON: Did I read that correctly,  
2 Mr. Whitlock?

3 MR. WHITLOCK: You did, counsel.

4 BY MR. WILSON:

5 Q. So, Mr. Sumner, is it correct to say that you  
6 felt that you'd been injured by the exposure  
7 to those emissions at the time that the plant  
8 was operating?

9 A. I was concerned.

10 Q. Well, when you said that you were actually  
11 getting sick from the exhaust --

12 A. Right.

13 Q. -- did you believe that you had been injured  
14 by those emissions?

15 MR. WHITLOCK: Object to the form.

16 A. I knew at the time that I had been affected by  
17 them, but long term who knew?

18 BY MR. WILSON:

19 Q. And you saw physical manifestations of those  
20 effects, is that correct, including nose  
21 bleeds and headaches. Is that correct?

22 A. That's correct.

23 Q. And the other symptoms that you mentioned?

24 A. Coughing.

25 Q. And you were reluctant to move because of the

1 investment that you made in your home; is that  
2 correct?

3 A. And I knew that there were other people  
4 working on the problem who had more experience  
5 in dealing with corporations. So I was hoping  
6 that something would be resolved.

7 Q. And you felt when the plant closed in 2002,  
8 that things were okay at that point?

9 A. I did. Well, at least I didn't think about it  
10 anymore.

11 Q. Did you ever, after that time, think in your  
12 head, what if there was a long-time effect  
13 from this exposure?

14 A. To be honest, I was so involved in my life, I  
15 really didn't -- once they were gone, we just  
16 felt a great sense of relief.

17 Q. Did you not think about it at all between 2002  
18 and 2016?

19 A. No.

20 Q. One more question on this, and then we can  
21 break -- break for lunch.

22 There's a paragraph that begins neither.

23 A. Mm-hmm.

24 Q. It's the third full paragraph from the bottom.  
25 The second sentence of that paragraph says,

1 two neighbors have already had cancers that  
2 appear linked to the pollution, he said. One  
3 had testicular cancer. Another had thyroid  
4 cancer.

5 MR. WILSON: Mr. Whitlock, did I read  
6 that correctly?

7 MR. WHITLOCK: You did. And just for the  
8 record, as opposed to some of the previous  
9 sections you've read from this article, there  
10 are no quotations in what you just read.

11 But you did read it correctly, yes.

12 BY MR. WILSON:

13 Q. Mr. Sumner, are those individuals who had  
14 testicular cancer and thyroid cancer, are they  
15 neighbors of yours?

16 A. Yes.

17 Q. How close do they live to you?

18 A. They're both very similar in distance.  
19 Probably about a hundred yards.

20 Q. Can you give me their names?

21 A. Yes. Ben Barton and Robert Ridley.

22 Q. Can you spell those names?

23 A. It's B-a-r-t-e-n or B-a-r-t-o-n. And Ridley I  
24 don't know. R-i-d-l-e-y. I don't know about  
25 that. I'm a terrible speller.



1 Q. Do you know whether those people have --  
2 intend to bring action against Saint-Gobain  
3 because of their alleged injuries?

4 A. I --

5 MR. WHITLOCK: Object to the form. Calls  
6 for speculation.

7 A. I think -- I believe Robert Ridley is part of  
8 the class action. I don't know about Ben.

9 THE VIDEOGRAPHER: One minute.

10 MR. WILSON: We can take a break.

11 THE VIDEOGRAPHER: The time is now  
12 approximately 11:56 a.m. This completes disc  
13 No. 1 of the deposition of William S. Sumner,  
14 Jr.

15 Going off the record.

16 (Lunch recess taken.)

17 THE VIDEOGRAPHER: The time is now  
18 approximately 12:52 p.m. Going back on the  
19 record with disc No. 2 of the deposition of  
20 William S. Sumner, Jr.

21 BY MR. WILSON:

22 Q. Mr. Sumner, I just wanted to follow up with  
23 one more thing about what we were talking  
24 about before lunch.

25 You talked about how you had had concerns

1           about the ChemFab plant when it was operating  
2           and --

3       A.   Yes.

4       Q.   -- based on where your home was; is that  
5           correct?

6       A.   That's correct.

7       Q.   And there were other neighbors in the area of  
8           your home who also had those concerns; is that  
9           correct?

10           MR. WHITLOCK:   Objection.

11       A.   I don't know.

12           BY MR. WILSON:

13       Q.   Am I correct that you said that you and  
14           other -- some of your neighbors met with  
15           ChemFab about the issue?

16       A.   Yes, that's true.

17       Q.   So do you think those neighbors were also  
18           concerned?

19       A.   Yes.

20           MR. WHITLOCK:   Object to the form.

21       A.   Yes.

22           BY MR. WILSON:

23       Q.   Do you recall who any of those neighbors were?

24       A.   Andy Beckerman, Betsy Palmer, Matthew Moss.

25       Q.   And are any of those individuals still living

1 in the neighborhood?

2 A. Andy Beckerman and Betsy Palmer.

3 Q. And Miss Moss, do you know when --

4 A. Matthew Moss.

5 Q. Matthew Moss. I'm sorry. When did Mr. Moss  
6 move away?

7 A. It's probably been ten years. I don't know  
8 specifically.

9 Q. Do you know where he moved to?

10 A. He's living -- I know he's working in New York  
11 City, and he had a house in Hudson, New York;  
12 but I don't know if he still has that  
13 residence.

14 Q. Do you have any education, training or other  
15 expertise as to real estate valuation?

16 A. No.

17 Q. Have you ever appraised your own property?

18 A. I have an opinion.

19 Q. Have you ever conducted a formal appraisal?

20 A. I would call it informal.

21 Q. Have you ever appraised any other property?

22 A. No.

23 Q. Have you ever estimated the list price for a  
24 property?

25 A. Can you ask that again?

1 Q. Have you ever estimated the asking price for a  
2 property?

3 A. No.

4 Q. Have you ever listed or sold a property?

5 A. No.

6 Q. Has a real estate agent or broker ever  
7 estimated the market value of your home?

8 A. No.

9 Q. Now, you've estimated the value of your home;  
10 is that correct?

11 A. Yes.

12 Q. Did you research or analyze any market data to  
13 develop your opinion on the value of your  
14 home?

15 A. No.

16 Q. But you believe there is -- that it's  
17 diminished in value because of PFOA; is that  
18 correct?

19 A. That's correct.

20 Q. How did you perform that estimate?

21 A. How did I form that estimate?

22 Q. How did you perform that estimate?

23 A. How did I come to the conclusion -- can you  
24 rephrase it?

25 Q. That's a fair way of stating it.

1           How did you come to that conclusion that  
2           your home had diminished in value due to PFOA?

3       A.   Just the obvious.   My property and all of the  
4           properties affected are in a state identified  
5           contamination zone, and the basic rule of real  
6           estate is location, location, location.   So  
7           why would anybody -- I wouldn't buy my house.  
8           Why would anybody buy my house when they  
9           could, you know, go 20 miles down the road and  
10          buy a house in a non-contaminated zone.

11       Q.   Did you -- in terms of coming to your opinion  
12           on the specific amount of the value of your  
13           home because of PFOA, how did you determine  
14           that amount was the amount?

15       A.   Again, I wouldn't buy my house, but maybe  
16           somebody looking for a deal, somebody in the 1  
17           percent who wants a tax write-off, wants a  
18           place to park his car with a nice view and  
19           make out with his mistress, maybe they'd be  
20           willing to buy my property.

21       Q.   Was there any calculation that you performed  
22           to come up with that number?

23       A.   It's an educated guess.   Not a guess.   It's an  
24           educated estimate.

25       Q.   And was there any calculation that you

1 performed to determine the value of your home  
2 that you estimate if it didn't have any PFOA?

3 A. Can you ask the question again?

4 Q. So I understand that you've provided an  
5 opinion about the value of your home with PFOA  
6 and the value of your home without PFOA.

7 A. Yes.

8 Q. For that opinion about the value of your home  
9 without PFOA, was there any calculation that  
10 you went through to reach that number?

11 MR. WHITLOCK: I'm going to object to the  
12 form.

13 A. No, no calculation. No formal calculation.

14 BY MR. WILSON:

15 Q. What method did you use to determine that?

16 A. I've been in the trades my entire life. I  
17 built my house. I know what went into it. We  
18 are located in a nice community. We're  
19 located in a nice community, close to schools,  
20 close to good shopping. It's a nice, safe  
21 neighborhood with a great view. I worked hard  
22 to maintain my house to a very high standard.  
23 All those factors and probably more that I  
24 can't think of right now factored into that.

25 Q. And you can't think of anything else right

1 now; is that correct?

2 A. I know that over the course of the 28 years  
3 that I've lived there, three people have  
4 approached me to buy my house. We never  
5 talked price, but I felt I had something worth  
6 what I appraised it at.

7 Q. When was the last time that someone approached  
8 you to buy your house?

9 A. I had a yard sale, oh, it was probably six  
10 years ago at this point was the last time, and  
11 one of the people just started a conversation  
12 and said if I ever wanted to sell, to please  
13 contact him. Nobody I'd ever met before.

14 Q. Have you incurred any expenses due to the  
15 presence of PFOA in groundwater that you  
16 haven't been reimbursed for?

17 A. Yes.

18 Q. What expenses are those?

19 A. I had to call a plumber twice because of the  
20 POET's effect on my water pressure, and it  
21 caused problems that I didn't know -- I  
22 couldn't figure out.

23 Q. And do you remember how much you paid?

24 A. It was minimal. I just -- there was no bill.  
25 I know the plumber well. I probably gave him

1 \$50 each time.

2 Q. Any other expenses you've had to pay because  
3 of the presence of PFOA in groundwater that  
4 you haven't been reimbursed for?

5 A. No.

6 Q. So we're going to shift gears now and talk a  
7 bit -- we've been talking about your property  
8 for an awful long time. Let's talk about you.

9 A. Okay.

10 Q. So would you restate for the record how old  
11 you are?

12 A. 65. I had to think.

13 Q. And how tall are you?

14 A. Five-foot-six plus.

15 Q. And could you give us your current weight?

16 A. My current weight is probably 174.

■ ■ [REDACTED]

■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

■ [REDACTED]

■ ■ [REDACTED]

■ [REDACTED]



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[REDACTED]

8 MR. SILVER: Your game has other  
9 problems.

10 THE WITNESS: Right.

11 MR. WILSON: David's so mean to his  
12 clients.

13 BY MR. WILSON:

14 Q. And do you -- you've mentioned you golf pretty  
15 frequently.

16 A. In the summer.

17 Q. About how -- how often?

18 A. Probably four or five times a week.

19 Q. I'll just ask this before I forget it, since  
20 Mr. Silver here is -- is so free with his  
21 comments, did you know him before this  
22 litigation started?

23 A. Not socially. I mean, he goes to the same  
24 golf club, and I have seen him at a couple  
25 social functions that -- but we've never



1 really talked.

2 Matthew -- when Matthew -- he had a  
3 birthday party or something over at Neil  
4 Moss's house.

5 THE WITNESS: You were there. We didn't  
6 talk, but I saw you there.

7 A. So I see -- I mean, it's a small town. I see  
8 David.

9 BY MR. WILSON:

10 Q. Did you come to him when you had concerns  
11 about the PFOA in --

12 A. I didn't.

13 Q. No. Who did you go to first?

14 A. I didn't go to anybody.

15 Q. Who came to you?

16 A. Well, my neighbors invited some lawyers, and  
17 so I went to a meeting that David came to and  
18 Emily.

■ ■ [REDACTED]

■ [REDACTED]

■ ■ [REDACTED] ■

■ ■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED]

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23 MR. WHITLOCK: Let's take a break.

24 THE VIDEOGRAPHER: The time is now

25 approximately 2:00 p.m. Going off the record.

1 (Brief recess taken.)

2 THE VIDEOGRAPHER: The time is now  
3 approximately 2:18 p.m. Going back on the  
4 record.

5 BY MR. WILSON:

6 Q. Mr. Sumner, before we continue, I just want to  
7 emphasize something that I said at the  
8 beginning of this deposition. That I  
9 understand that some of the things we've  
10 talked about today have been sensitive and  
11 personal, and that I'm going to do my best,  
12 and I hope that I have done my best, to be  
13 respectful and considerate in the way that  
14 we've addressed these issues.

15 And as I said at the beginning of this  
16 deposition, if there's any time that you feel  
17 uncomfortable or if there's a way that we need  
18 to make it more comfortable for you, would you  
19 please let me know.

20 Do you understand that?

21 A. Yes.

22 Q. Thank you.

23 So I think we are mostly on now to  
24 frankly the tedious portion of the deposition,  
25 and so I apologize that there's going to be a



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Row	Bar Length (approx. %)
1	10
2	25
3	90
4	15
5	75
6	45
7	65
8	95
9	15
10	25
11	98
12	95
13	20
14	15
15	25
16	15
17	35
18	80
19	25
20	55
21	60
22	100
23	45
24	95
25	50

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Category	Sub-category	Value
Category 1	Sub-category 1.1	10
	Sub-category 1.2	20
	Sub-category 1.3	10
	Sub-category 1.4	30
	Sub-category 1.5	50
	Sub-category 1.6	20
	Sub-category 1.7	30
	Sub-category 1.8	20
	Sub-category 1.9	10
	Sub-category 1.10	20
Category 2	Sub-category 2.1	30
	Sub-category 2.2	50
	Sub-category 2.3	30
	Sub-category 2.4	20
	Sub-category 2.5	20
	Sub-category 2.6	30
	Sub-category 2.7	50
	Sub-category 2.8	30
	Sub-category 2.9	50
	Sub-category 2.10	50
Category 3	Sub-category 3.1	30
	Sub-category 3.2	50
	Sub-category 3.3	50
	Sub-category 3.4	30
	Sub-category 3.5	20
	Sub-category 3.6	30
	Sub-category 3.7	30
	Sub-category 3.8	30
	Sub-category 3.9	30
	Sub-category 3.10	30
Category 4	Sub-category 4.1	30
	Sub-category 4.2	30
	Sub-category 4.3	30
	Sub-category 4.4	30
	Sub-category 4.5	30
	Sub-category 4.6	30
	Sub-category 4.7	30
	Sub-category 4.8	30
	Sub-category 4.9	30
	Sub-category 4.10	30

Row	Bar Length (approx. % of total width)
1	10
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3	20
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6	30
7	40
8	45
9	70
10	35
11	10
12	30
13	55
14	15
15	30
16	55
17	10
18	30
19	70
20	40
21	100
22	10
23	30
24	30
25	10
26	95
27	100
28	10



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BY MR. WILSON:

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A horizontal bar chart with 20 rows. Each row has a small black square on the left, followed by a text label, and then a horizontal black bar representing a percentage. The bars vary in length, with some spanning the entire width of the chart area. The categories are as follows:

Category	Percentage (approximate)
1	5%
2	45%
3	5%
4	35%
5	5%
6	60%
7	55%
8	10%
9	10%
10	90%
11	10%
12	55%
13	95%
14	50%
15	45%
16	95%
17	95%
18	95%
19	95%
20	40%

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5 Q. Can you tell me when you first heard about  
6 PFOA?

7 A. When it was discovered that Hoosick Falls had  
8 contamination.

9 Q. When was that?

10 A. The year before -- maybe even the year and a  
11 half before March of 2016.

12 Q. And what did you hear about it then?

13 A. Just that the company had contaminated certain  
14 areas of Hoosick Falls or the water system.

15 Q. Did your mind start drawing connections then?

16 A. No, I didn't have a clue.

17 Q. Did you have any concerns at that time?

18 A. No.

19 Q. When did you first become concerned about  
20 PFOA?

21 A. When a couple -- a team of men came to my  
22 house and asked to take a water sample March  
23 of 2016.

24 Q. So I'd like to talk a little bit now about  
25 your role in this case as a class action.

1 A. Mm-hmm.

2 Q. Do you understand yourself to be representing  
3 the exposure class in this action?

4 A. Yes.

5 Q. Do you also understand yourself to be  
6 representing the property damage class in this  
7 action?

8 A. Yes.

9 Q. Can you tell me what your understanding of  
10 this lawsuit is? What is this lawsuit about?

11 A. This lawsuit is about medical monitoring; this  
12 lawsuit is about compensation for loss of  
13 property value; compensation for lack of use  
14 and enjoyment of my property; property damage;  
15 nuisance; negligence; upset; and annoyance.

16 Q. Did you read the complaint that was filed in  
17 this action?

18 A. I've read the papers that my lawyer gave me.

19 Q. Do you know if that included the complaint?

20 A. Yes.

21 Q. What's your understanding of what the lawsuit  
22 alleges that Saint-Gobain did that was wrong?

23 A. They contaminated my community and portions of  
24 Bennington with PFOA, and it's gotten into our  
25 groundwater, our soil and for some, our blood.

1 Q. What do you understand to be your duty as a  
2 representative of the putative class?

3       A. To represent the class responsibly and  
4       honestly and to the best of my ability.

5 Q. Can you describe that in a little more detail?

6 MR. WHITLOCK: Objection.

7                      You can answer.

8           A. I agreed to become a representative because I  
9           cared about my community. I had -- I have  
10          retired. I have the time and -- willing to  
11          spend on it, and I had the same damage  
12          occurred as all my neighbors and community and  
13          would like the chance to right a wrong.

14 BY MR. WILSON:

15 Q. Do you believe that everyone in the class has  
16 been damaged in the same way to the same  
17 degree as you?

18	A. Yes.
----	---------

19 Q. Do you know that for a fact?

20 A. No. It's my opinion.

\_\_\_\_\_

--	--	--	--

\_\_\_\_\_

[REDACTED] [REDACTED]

\_\_\_\_\_

15 MR. WILSON: Let's take a break.

16 THE VIDEOGRAPHER: The time is now  
17 approximately 3:08 p.m. This completes disc  
18 No. 2 of the deposition of William Sumner.

19                   Going off the record.

20 (Brief recess taken.)

21 THE VIDEOGRAPHER: The time is now  
22 approximately 5:22 p.m. -- I mean -- I'm  
23 sorry -- 3:22 p.m. Going back on the record  
24 with disc No. 3 of the deposition of William  
25 S. Sumner, Jr.





9 BY MR. WILSON:

12	A. 305.
----	---------

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. Do you believe that the proximity of your home to the ChemFab facility meant that your home was uniquely affected by the emissions from the facility?

A. No.

MR. WHITLOCK: Objection. Calls for an expert opinion.

BY MR. WILSON:

Q. I'm sorry. I missed your answer there.

A. No.

Q. Why not?

A. Contamination is contamination.

Q. Do you believe that all the homes in Bennington and North Bennington have the same level of PFOA in their groundwater?

MR. WHITLOCK: Object to the form.

You can answer.

A. In their groundwater? Those who have been tested and not been tested?

1 BY MR. WILSON:

2 Q. Either -- either answer.

3 A. Repeat the question, please.

4 Q. Has everyone in the Bennington and North  
5 Bennington area seen the same level of PFOA in  
6 groundwater tests at their homes?

7 A. No.

8 Q. Do you feel that your level is different  
9 because of your proximity to the facility?

10 MR. WHITLOCK: Objection. Calls for  
11 expert --

12 A. No.

13 MR. WHITLOCK: -- opinion.

14 A. I don't know.

15 BY MR. WILSON:

16 Q. I understand that you visited with Senator  
17 Leahy about this issue?

18 A. Mm-hmm.

19 Q. Can you tell me about that visit?

20 MR. WHITLOCK: Objection.

21 A. He came to our house and listened to the  
22 neighbors and said he was going to go back to  
23 Washington to try to procure funding for  
24 Vermont State to protect its water in the  
25 future.

1 BY MR. WILSON:

2 Q. Do you know whether he visited any other  
3 houses in the area?

4 A. I think the only other place he went to was  
5 the North Bennington train station where he  
6 met with people. I don't know that for a fact  
7 though.

8 Q. Do you know why he selected your house in  
9 particular?

10 A. Because Richard Spiese asked me if I would  
11 host, and I was retired, home and available.

12 Q. Do you know why Richard Spiese asked you?

13 A. No.

14 Q. And for the record will you tell us --

15 THE WITNESS: Is the AC -- is the AC on?

16 (Off-the-record colloquy.)

17 BY MR. WILSON:

18 Q. And for the record, Mr. Sumner, can you  
19 tell -- tell us who Richard Spiese is?

20 A. I know he works for the DEC.

21 Q. And DEC is Department of Environmental  
22 Conservation; is that correct?

23 A. It is. Mm-hmm.

24 Q. And can you give a verbal answer there?

25 A. He works for the Vermont Department of

1 Environmental Conservation.

2 Q. Yes. And we're almost done with the  
3 deposition, so it doesn't matter so much, but  
4 when I say verbal answer, I mean yes or no as  
5 opposed to mm-hmm.

6 A. Yeah. Okay.

7 Q. But your sentence was fine, too.

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Year	Country	Value
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20 Q. Do you know any of the other named plaintiffs  
21 in this action?

22 A. Yes.

23 Q. Who do you know?

24 A. Jim Sullivan lives in my neighborhood. Bill,  
25 who you deposed yesterday, I remembered seeing

1           him before on jobs. He's an electrician, but  
2           not -- like that was back in the late '80s  
3           that I saw him, and I've seen him drive his  
4           truck around. And Phil Garrison, I think his  
5           name is, he took a French class with my wife.

6           Q. Was your wife teaching the French class?

7           A. Mm-hmm.

8           Q. Okay. I assume she wasn't taking French?

9           A. Right.

10          Q. Yeah. Do you know any of the other  
11          plaintiffs?

12          A. Can you give me their names?

13          Q. Ron Housethor?

14          A. No.

15          Q. Linda Crawford?

16          A. No.

17          Q. Ted Crawford?

18          A. No.

19          Q. Do you know Sharyn Jones?

20          A. No. Sharyn Jones? No.

21          Q. Bishop Robin Hood Greene?

22          A. Really? No.

23          Q. Of -- of those plaintiffs that you do know,  
24          who are you close friends with?

25          A. None.

1 Q. Did you get to know Jim because he's your  
2 neighbor or in the course of becoming a  
3 plaintiff in this action?

4 A. I really don't know him. I've been once to  
5 his house, and we wave to each other when we  
6 pass each other in cars. I really don't know  
7 him.

8 Q. Other than your communication with Senator  
9 Leahy, have you had any other  
10 communications -- I'm sorry. Let me withdraw  
11 that.

12 Other than your communications with  
13 Senator Leahy and the Vermont DEC that we've  
14 already discussed, have you had any other  
15 communications with the government that we  
16 haven't discussed with regard to PFOA?

17 A. State or national?

18 Q. Either.

19 A. When it came time to inform the public about  
20 the blood test, I did get a call from Sarah  
21 Vose, I think her name is. She's from the  
22 Vermont Department of Health, and she sort of  
23 ran me through where to go and did I have any  
24 questions. And that's -- I'm pretty sure -- I  
25 mean, I see Richard Spiese occasionally doing

1 testing or whatever in our neighborhood, and I  
2 will greet him, but we don't have much to say.

3 Q. Have you ever communicated with Saint-Gobain  
4 or ChemFab or any of their employees with  
5 regard to PFOA, other than what we discussed  
6 back at the time the facility was active?

7 A. I got a letter from the CEO apologizing for  
8 the way the company presented me with a  
9 summons to go to court. So that's the only --  
10 I didn't respond.

11 Q. Did you appreciate that letter?

12 A. It was a little -- too little too late.

13 Q. When you built your home, if municipal water  
14 had been available to you, would you have  
15 wanted to hook up to municipal water?

16 A. I would have priced it out, and I would have  
17 investigated to see if it's chlorinated or  
18 not.

19 Q. If municipal water were cheaper than a well  
20 and non-chlorinated, would you have elected to  
21 connect to municipal water?

22 A. That would have been easier.

23 MR. WILSON: I have no further questions.

24 MR. WHITLOCK: No questions.

25 THE VIDEOGRAPHER: The time is now

1 approximately 4:00 p.m. This completes  
2 today's deposition of William S. Sumner, Jr.  
3 Going off the record.

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ACKNOWLEDGMENT OF DEPONENT

I have read the foregoing transcript of my deposition and except for any corrections or changes noted on the errata sheet, I hereby subscribe to the transcript as an accurate record of the statements made by me.

\_\_\_\_\_  
WILLIAM S. SUMNER, JR.

SUBSCRIBED AND SWORN before and to me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires:



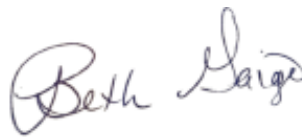
CERTIFICATE

I, Beth Gaige, a Registered Professional Reporter, hereby certify that the within-named deponent was sworn to testify the truth, the whole truth, and nothing but the truth in the aforementioned cause of action.

I further certify that this deposition was stenographically reported by me and later reduced to print through computer-aided transcription, and the foregoing is a full and true record of the testimony given by the deponent.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

IN WITNESS WHEREOF, I subscribe my hand and affix my seal this 16TH day of April 2018.



---

Beth Gaige, RPR

Notary Public

My commission expires:  
August 22, 2019

1

## E R R A T A S H E E T

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IN RE: SULLIVAN, et al. vs. SAINT-GOBAIN

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DATE: 4/11/2018

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PAGE LINE CORRECTION AND REASON

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(DATE)

WILLIAM S. SUMNER, JR.

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[plant - probably]

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[probably - raised]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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